SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 16, 2005

8:30 A.M.

(PAGES 2243 THROUGH 2301)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2243

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ROBEL, Steve 2247-SA 2261-SN 2272-SA (cont’d)
ZELIS, Paul 2286-SN

1 E X H I B I T S
2
3 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
4
5 77 Photo of main house - interior view 2297
6 83 Photo of main house - closeup of magazine 2293 2293
7 85 Photo of main house - closeup of
8 black briefcase 2290 2290
9 285 Photograph of items in drawer of nightstand 2294 2294
10 470 Black suitcase 2288 2290
11 561 Brown bag containing books 2299
12
13
14 DEFENDANT'S NO.
15
16 5036 Timeline from February 1 to 2252 March 13
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28 2246

Santa Maria, California
Wednesday, March 16, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: You may proceed.
MR. SANGER: May I proceed, Your Honor.
THE COURT: Yes.
MR. SANGER: Okay. Thank you. I couldn't
hear you. I assume your microphone's on.
THE COURT: I just turned it on. Can you
hear me okay.
MR. SANGER: Yes. Thank you.

STEVE ROBEL
Having been previously sworn, resumed the
stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. SANGER:
Q. Sergeant Robel, you were going to listen to
tapes and compare them to the transcript or do
something last night. Did you have a chance to do
that.
A. I went ahead and I looked over the 2247

transcripts of Detective Zelis's interview --
Q. Yes.
A. -- okay. -- regarding the -- January 19th.
Q. Correct.
A. And I was not present during that, so my thing is I think Detective Zelis would be able to shed more light on that than me.
Q. And he's going to be here soon, I assume.
A. Correct.
Q. The transcript does show, however, that you were there. And your position is you were there and then left.
A. My position is I was there during the viewing of the video. And when the interviews took place with the individual children, I remained outside the room while Mr. Zonen and Detective Zelis conducted the interviews with the kids.
Q. And Mr. Sneddon as well; is that correct.
A. He was -- he was in and out as well. He was in and out, yes.
Q. All right. We'll talk to Detective Zelis about that.
Let me ask you if you had a chance to look at the other things that you were going to look at. You were going to look at -- or listen to Davellin's tape. Do you recall that.
A. Okay. I went over her transcripts more in detail. 2248

Q. Okay.
A. So if you can refresh my memory regarding exactly what happened.
Q. That's fine. I'd ask that you look at page 28 of Davellin's transcript, and --
A. Okay. You're talking on the initial one, right, Mr. Sanger. The July interview.
Q. Let me just see here, because the note says page 28. To tell you the truth, now I don't know which one it was. Let me just look here. I think it was the second one.
A. Second interview.
Q. Hold on. Don't go anywhere yet. No, I think it was the first one.
A. I'm on page 28 on the initial interview.
Q. Okay. I'm looking at yesterday's transcript, and there must have been -- okay. I'm sorry, I misread it. It's page 24. That's why I couldn't find it.
It was line 28 of the -- of yesterday's transcript, but it's page 24 of the one I'm asking you to look at right now. That's Davellin's -- yes. There it is.
A. Page 24 on the initial interview.
Q. That's correct.
A. That's where I am.
Q. All right. And do you remember -- yesterday I asked you if Davellin told you that Gavin and Star 2249

told her the stories, and you said that was true.
And then I asked if she had told you, “Yeah, it’s like one tells me and the other one agrees to it.”
And I believe you said you had to refresh your recollection either by listening to the tape or reviewing the transcript in order to determine if that’s what she, in fact, said.
A. Yes, I’m looking at that right now, and that is, in fact, what she said.
Q. Okay. And Detective Zelis, in your presence, on that occasion - this being the 7/7/03 transcript - on that occasion, Detective Zelis said, “So are they together when they tell you this.” And Davellin says, “Yeah, most of the time.”
And Detective Zelis says, “Most of the time. Okay.”
Is that what actually transpired in that interview.
A. Yes, it is.
Q. Now, I also asked you if Davellin had -- at some point in the interview had told you that she was always by herself at the ranch, and she was not allowed to be with her mother. And you said you were going to check the transcript to see if that’s what she said.
And I know you’re going to ask me for a page on that, and best laid plans --
A. Well, I went over both of my interviews with 2250

her, the initial and also the follow-up. And if you can direct me to a page where it states that, I would appreciate it, because I could not find it, where she said that she wasn't allowed to see her mother. I found something that --

Q. All right.

A. -- was close to that.

Q. What page did you find there. You can help me on that. How about that.

A. I'm trying to find it myself again. It may have been on the follow-up. I thought I had it marked, but I don't. But I did not find it in either one, where she stated that she wasn't able to see her mom.

Q. Okay. But she said something like that, that she was -- she was not with her mom most of the time.

A. No, what she said was, is that it was very seldom that she saw her brothers.

Q. Okay.

A. That she did not see them while at the ranch. Very seldom did she see them, because they were with Michael and they were with each other.

Q. All right. Hold on one second. Let me come back to that, and I'll see if I can find a better quote for you on that, or a page on that. I want to do one other thing here with you, if I can.

Is this your witness. 2251

MR. SNEDDON: My witness.
MR. SANGER: Okay. I'm sorry.
Your Honor, may I approach the witness.
THE COURT: Yes.
MR. SANGER: And I'd like to have this
document marked next in order. And even if we had
some blanks there, if it's all right with the clerk,
perhaps we could make this 5036, so it will go with
Sergeant Robel's other exhibit.
Is that right.
THE COURT: Yes. I'm waiting for the clerk
to tell me, because I never know what exhibits
you've marked that I don't know about. I only know
the ones that you've marked.
THE CLERK: That's fine.
THE COURT: That's a good number.
MR. SANGER: Okay. Thank you.
THE COURT: 5036.
MR. SANGER: With the Court's permission,
Mr. Sneddon has no objection to my putting a blank
version of this --
THE COURT: All right.
MR. SANGER: -- this chronology up on the --
and what's on the overhead is what is also marked as
5036, but the actual exhibit I'm going to hand to
the witness, if I may.
THE COURT: How do you want the record to
reflect what that exhibit is. What do you want to 2252

call it.
MR. SANGER: It's a timeline from February 1 to March 13.
THE COURT: Thank you.
MR. SANGER: Thank you.
MR. SNEDDON: Bob, do you happen to have a copy for us. Thank you.
Q. BY MR. SANGER: Okay. Sergeant Robel, you've had a chance to look at that for a moment.
A. Yes, I have.
Q. What you have in your hand -- because you haven't written on it yet. I've got it on the board. There are three dates that are typed in on this timeline. One is --
Can I borrow the pointer, if you have it.
MR. OXMAN: Bob. Right there.
MR. SANGER: Oh, we have our own. Okay. Thanks, whoever brought that.
Q. Okay. One -- and I don't want to shine this in the court reporter's eyes. So we're okay, right. I'm going from the top. I don't want to do something wrong here.
One is the 16th. And we have 2-16, "Brad Miller Interview," showing February 2003, the 16th of February, 2003. Is that your understanding of when that taped interview occurred.
A. I believe it was.
Q. Okay. And then we have 2-19 to 2-20, which 2253

1 is in the late evening hours of 2-19 onto the early
2 morning hours of 2-20 when the rebuttal tape was
3 being filmed; is that your understanding.
4 A. Correct.
5 Q. Okay. And then we have 2-20, later in the
6 day, which would be February 20, 2003, we have the
7 DCFS interview. Is that your understanding of when
8 that occurred.
9 A. Yes, it is.
10 Q. Okay. Now, what I'd like you to do, if you
11 would, sir, is put your name once again where it
12 says "witness." And I note last time you say
13 "Sergeant S. Robel," and it looks like it says
14 "515."
15 A. Well, I just put my body number down there.
16 Q. That's your badge number, or body number, or
17 something.
18 A. Body number.
19 Q. Everybody in the sheriff's department has a
20 different number so you can figure it out.
21 A. That's correct.
22 Q. Okay. All right. Now, what I'd like --
23 what I'd like to do, based on your investigation as
24 the lead investigator in this case, is I would like
25 you to -- in general, and then I'm going to ask you
26 specifically. But in general, I'd like you to try
27 to put in some of the important dates that you have
28 learned from your investigation in this case, so 2254

that the jury will have an idea of what was going on during this February and March period of time.
Okay.
A. Okay.
Q. All right. And then it will not show up here, but it's going to show up there, and we'll put that up after you finish.
First of all, do you know when the "Living with Michael Jackson" aired in the United Kingdom.
A. I believe that was on the 4th. 4th or 5th, one of those two. I'm not positive.
Q. Could it have been the 3rd.
A. It could have been.
Q. I'll tell you what. For now, then, why don't -- on your copy, why don't -- without directing it to a particular number, since you're not sure, why don't you just, above the general area of the 3rd, 4th and 5th, put "Living with Michael Jackson."
A. Okay.
Q. And do you know when the Arvizos flew to Miami on Chris Tucker's private chartered jet.
A. I believe it was the 6th.
Q. Could it have been the 5th. Is there something you can refer to to refresh your recollection.
A. Well, I would like to.
Q. If you have it, could you do that. 2255

A. I don’t have it up here, the timeline.
Q. Do you have a second to confer with the prosecutors. Can you get something that would help you.
A. Like I said, I don’t have it up here.
Q. That’s what I’m saying. Do you need a second. Perhaps you could confer with Mr. Sneddon and see if there’s something that might help you.
MR. SNEDDON: What, do you want me to testify.
THE COURT: Well, Counsel, the way you have to do that, either you’re prepared to give him the documents that you want him to testify from or you’re not. You don’t ask the other side to start producing materials for you.
MR. SANGER: Well, I didn’t mean to -- the witness was indicating he thought he had something.
THE COURT: Well, if he doesn’t have it, you have to move along to the next question.
MR. SANGER: That’s fine.
Q. So in other words, whatever you have, you don’t believe you have it in the courtroom; is that what you’re saying.
A. That is correct. If you have something that would refresh my memory, that would be great.
Q. We’ll go over this with other witnesses, then.
Do you know the date of the return, the date 2256

when Michael Jackson and the Arvizos came back to Santa Barbara and went out to Neverland Ranch.
A. I want to say I believe it was the 7th.
Q. Okay. February 7th.
A. February 7th, yes.
Q. So why don't you make a note of that.
And just to be clear, as the lead investigator, it's your responsibility to review all of the evidence, including other reports and other things that people have done in this case; is that correct.
A. That is correct. But there's so much involved in this, that some of these things, it's been a while since I have reviewed them.
Q. All right. Do you know -- so the Arvizos and Mr. Jackson come to the ranch on February 7th. Was it in the evening; do you recall.
MR. SNEDDON: Your Honor, I'm going to object to the lack of personal knowledge on the part of the officer as to the date. He wasn't there.
THE COURT: Sustained.
Q. BY MR. SANGER: Do you feel you can give us a timeline of essentially -- earlier you testified about some dates in March when you believe the Arvizos were at the ranch.
A. Correct.
MR. SNEDDON: Actually, Your Honor, can I impose an objection. This is really beyond the 2257

scope of direct examination. I didn't put this witness on for a timeline, and I didn't think I got into any of this. And he wasn't prepared to testify to it, so I object it's beyond the direct.
MR. SANGER: I believe on direct he did talk about certain dates and --
MR. SNEDDON: Connected to the search warrant.
MR. SANGER: If he's not the witness who's able to do this, we will certainly be able to do it. I do think he talked about the March dates earlier.
THE COURT: He did discuss the time when the family had returned from Miami and were at the ranch.
The problem I'm having is, after listening to all that testimony yesterday, I'm not sure which one of you asked that question.
MR. SANGER: I'll tell you what we'll do, because -- may I ask a question. And I'll withdraw whatever is pending so I can ask a different question.
THE COURT: Yes.
MR. SANGER: All right.
Q. Sergeant Robel, as a lead investigator in this case, who do you feel from your department would be best able to present a chronology based on a review of the documents.
A. Well, the people that were assigned to the 2258

case, we all were familiar with the timeline. But there were so many different dates in there, that I'm familiar with it as well as anybody else. But I would like something up here to refresh my memory to make sure I'm correct on the exact chronological events that took place.
Q. And you have those materials, but you don't have them in the courtroom.
A. I don't have them with me in my binder.
Q. But you do have those materials somewhere.
A. Yes, we do.
MR. SANGER: So what I'll do at this point, Your Honor, is I'm not going to ask any further questions on this. I would like to have Sergeant Robel review this, since he is the lead investigator, so he can give us a timeline. And in the meantime, if we can work it out with another witness, we'll do that.
THE COURT: That's fine.
MR. SANGER: All right.
THE COURT: Mr. Sneddon, you look like you might want to say something.
MR. SNEDDON: Am I allowed.
THE COURT: Well, I have to decide after you start talking.
MR. SNEDDON: Judge, I just want to make it clear that I'm not trying to stop Mr. Sanger's cross, but this was not the purpose for this person 2259

at this particular point in time. And we had intended to do much the same thing at another point in time, and --
THE COURT: All right.
MR. SNEDDON: And I don't want to --
THE COURT: I did agree with you, that a lot of what was being asked was beyond the scope of the direct examination. But you didn't object, and I thought that was fine.
MR. SNEDDON: I didn't realize we were going to plow this field again today. So I figured it's time to stop.
THE COURT: All right. So are you going to ask -- go ahead, Counsel.
MR. SANGER: I'm sorry. All I was going to do is ask that -- I'm going to officially ask, or on the record ask that Sergeant Robel review his materials. And rather than hold us up at this moment, ask that he review his materials and then ask for permission to call him back sometime perhaps later today or tomorrow.
I understand there will be other police officers, so we can cover this. If in the meantime Detective Zelis or somebody else can do it, that's fine, too.
MR. SNEDDON: Judge, with regard to that request, could counsel and I approach the bench for just a second. It's a personal thing -- 2260

THE COURT: No.
MR. SNEDDON: -- that you should be aware
of.
THE COURT: No.
MR. SANGER: Your Honor --
THE COURT: If you're through with this
witness - you've asked him to prepare - I'll have
him step down. If you're not through, I want you to
ask any questions that you have.
MR. SANGER: I am through with this witness
except for the preparation. And I understand what
Mr. Sneddon said and will accommodate the witness.
THE COURT: All right.
MR. SANGER: There is an issue, and I
understand, and we'll accommodate him.
THE COURT: You can talk to each other about
that.
MR. SANGER: Fine.
THE COURT: Do you want to have some
redirect.
MR. SNEDDON: With the Court's permission,
yes.
THE COURT: All right. Go ahead.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Robel, first a couple of easy
questions for you. Prior to the time that you were 2261

assigned to this particular case -- excuse me just one second.
Prior to the time that you were assigned to this particular case, had you and I ever met.
A. Prior to the case, no.
Q. Now, I asked you to look at Detective Zelis's report last night, and specifically asked you to review the report with a view as to whether or not that report contained information about the Arvizo children saying that they had seen the rebuttal tape before your actual first interview with them. Not "seen the rebuttal tape," but participated in some interviews that we have now called "the rebuttal tape." Did you do that.
A. Yes, I did.
Q. Did that refresh your recollection.
A. Yes, it did.
Q. And did you, in fact, have that information prior to the initial interview with the children.
A. Yes, I did.
Q. Now, on November the 18th of 2003, you've told the ladies and gentlemen of the jury that you went and participated in the execution of a search warrant that was authorized by a Judge of the Superior Court, correct.
A. That is correct.
Q. On that particular date, was there also an arrest warrant issued by that Judge for the 2262

1 defendant, Michael Jackson.
2 A. Yes, there was.
3 MR. SANGER: I'm going to object and move to
4 strike. Object and move to strike on the grounds of
5 relevance and also beyond the scope of cross.
6 THE COURT: Overruled. The answer was "Yes,
7 there was." Next question.
8 Q. BY MR. SNEDDON: Now, Mr. Sanger asked you a
9 lot of questions about what you did from after you
10 interviewed the Arvizo family on a couple of
11 occasions until the point that you executed the
12 search warrant on November 18th. Do you recall
13 those questions.
14 A. Yes, I do.
15 Q. Now, was there a decision made with regard
16 to how those search warrants were going to be
17 executed.
18 A. Yes, there was.
19 Q. Was there a strategy involved in that.
20 A. Yes, there was.
21 Q. And what was that.
22 A. After interviewing --
23 MR. SANGER: I'm going to object. This
24 calls for hearsay, and it does not appear to be
25 relevant, and it's beyond the scope of cross.
26 THE COURT: Doesn't it -- isn't that exactly
27 what you were going into yesterday.
28 MR. SNEDDON: Absolutely. 2263

THE COURT: Overruled.
Q. BY MR. SNEDDON: Go ahead and tell the ladies and gentlemen of the jury.
A. After conducting the interviews with the Arvizo family, myself, along with the other investigators, including the D.A.'s Office, met and we conferred and we decided at that point, like we do on several investigations, sometimes, you know, we'll go in and advance further and interview people to gather more information prior to serving a search warrant.
In this case we chose not to, due to the nature of the investigation, and the high-profile case being involved with Michael Jackson. So what we decided to do is drop a search warrant and serve it. And we did it that way because if we were to go out and contact people prior to that, we were concerned about evidence that we were looking for that would corroborate the statements of the children would be destroyed or would not be there, and it would compromise our investigation. So that's the reason why we chose to serve the search warrant.
And then after serving the search warrant, or during the search warrant service, I was able to -- due to the statements from the children, I was already corroborating some of their statements to me as I was walking through and searching through the 2264

house and things that they depicted.
MR. SANGER: I'm going to move to strike the last part as being nonresponsive.
THE COURT: I'm going to strike the last paragraph that starts, "And then after serving the search warrant."
MR. SNEDDON: All right.
THE COURT: And I'm going to admonish the jury to disregard that statement as a conclusion of the witness.
MR. SNEDDON: Your Honor, I don't --
THE COURT: It's nonresponsive.
MR. SNEDDON: It's nonresponsive.
THE COURT: It was nonresponsive and a conclusion of the witness.
MR. SNEDDON: Yes, sir. All right.
Q. Now, Detective Robel, at the time that you executed the search warrant on November 18th of 2003 - okay. - did you, during the course of the execution of that search warrant observe, you personally, observe items or things that you felt corroborated the statements of the Arvizo children.
MR. SANGER: Objection, Your Honor.
THE COURT: Sustained.
Q. BY MR. SNEDDON: On the date that you executed the search warrant, did you see the mannequin.
A. Yes. 2265

Q. Did you see the briefcase with the pornography.
A. Yes.
MR. MESEREAU: Object.
MR. SANGER: Yes, objection. Violates the Court's rule.
THE COURT: You didn't say "adult material."
MR. SNEDDON: Oh, God. I'm sorry, Your Honor.
THE COURT: All right.
MR. SNEDDON: I --
THE COURT: Rephrase your question.
Sustained.
MR. SNEDDON: Well, you know, you think like a lawyer. I really apologize. I apologize to everybody.
THE COURT: Go ahead.
Q. BY MR. SNEDDON: Okay. Did you see the briefcase with the adult material in it.
A. Yes, I did.
Q. Did you go to the arcade.
A. Yes.
Q. Did you see the jukebox.
A. Yes.
Q. Did you go in the cellar.
A. Yes.
Q. Did you see the wine.
A. Yes. 2266

Q. Did you go up the stairway to Mr. Jackson's bedroom.
A. Yes.
MR. SANGER: Your Honor, I believe this is beyond the scope of cross. I object.
THE COURT: Overruled.
Q. BY MR. SNEDDON: Did you stand on the landing and look towards Mr. Jackson's bed.
A. Yes.
Q. On the day that the search warrant was executed, simultaneous with the execution of the search warrant, were other search warrants executed.
A. Yes, there were.
Q. And were there interviews that were done simultaneous off the ranch premises.
A. Yes.
Q. And who was the person who was interviewed.
A. Jesus Salas.
Q. Now, don't tell us anything about what was said, because we'll get into that later. But were you informed of the results of that interview while you were at the ranch that morning.
A. Yes, I was.
Q. Were you present when a search warrant was executed on the residence of Marc Schaffel.
A. Yes, I was.
Q. Okay. Let's talk a little bit about some of the things that Mr. Sanger asked you this morning 2267

and yesterday.
You were asked by Mr. Sanger to review some statements with regard to Davellin, and specifically to Davellin with regard to that portion of the transcript where she is describing events that -- where her brothers are present and they're talking about things.
A. Yes.
Q. Do you recall that.
A. Yes.
Q. From reviewing the transcript, can you tell us - tell the jury more importantly - tell them whether or not, from the review of the transcripts, that she's referring to statements that have occurred on the ranch or after they left the ranch.
MR. SANGER: I'm going to -- I'm going to object. That calls for a conclusion. It's either a statement of the witness or it's not.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Can you tell from a review of the transcript as to when those statements are made.
A. No.
Q. And just to be clear, the conversations themselves, can you tell when -- the conversations she's talking about, when they occurred.
A. I can tell when they occurred during their stay on Neverland, but exact dates, no. 2268

Q. Now, you were asked yesterday by Mr. Sanger with regard to whether or not Davellin told you that she was aware of the urine bottles incident. Do you recall that.
A. Yes.
Q. And did you have a chance to go back and look at the transcript with regard to her statements to you about that.
A. Yes.
Q. And can you tell from a review of the transcript when she was aware of the urine bottles incident.
A. It was --
MR. SANGER: Objection. That calls for speculation.
MR. SNEDDON: Let me rephrase it, Judge. I can probably help you.
THE COURT: All right.
Q. Can you tell from a review of the transcript whether or not she was aware of the urine bottle specimen while she was at the ranch or --
A. Yes.
Q. Okay. I just have a couple more. You were, you've told the jury, one of the officers who interviewed Gavin Arvizo in the initial interview and in the follow-up interview, correct.
A. That is correct.
Q. And during the initial interview, Gavin 2269

Arvizo disclosed to you certain things that Mr. Jackson did to him, correct.
A. That is correct.
Q. Now, can you describe to the ladies and gentlemen of the jury what Gavin's attitude or demeanor was at the time that you got into that part of the conversation.
A. Prior to getting into that area, we were just discussing just his stay on the ranch, and he appeared to be, you know, fine with talking with us, open, very positive.
As I got into questioning him regarding the actual molestation acts and having him share with that openly, immediately noticed a major change in Gavin's demeanor, and he basically became very, very quiet, folded his arms, and just sunk down into his chair.
And it took me approximately ten minutes or so to reassure him that he was doing the right thing. And he, at one point in time, kind of got a little -- a little choked up. And eventually he was able to go on ahead and disclose what acts occurred.
MR. SANGER: I'm going to object and move to strike the last sentence as a conclusion of the witness.
THE COURT: Stricken. The jury's admonished to disregard the last sentence.
Q. BY MR. SNEDDON: Now, yesterday Mr. Sanger 2270

asked you several questions about statements that Gavin Arvizo made to you about the number of times that he told you that Mr. Jackson molested him. Do you recall those questions.
A. Yes.
Q. And do you recall that on a couple of occasions he told you he thought it was between five and seven times.
A. Yes.
Q. And do you recall in the courtroom here he indicated that there were at least two times that he was very specific about the information in which he was -- the defendant molested him. Do you recall that.
A. Yes.
Q. Do you find any inconsistencies between what he told you and what he said in the courtroom.
MR. SANGER: Objection, Your Honor. That calls for speculation and comment on a witness's testimony.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Were you present during a conversation where Gavin Arvizo explained the five and seven -- the five figure that he gave you versus the two figure that he testified in court.
A. Yes.
Q. And what did he say in that regard.
MR. SANGER: Objection; vague as to time. 2271

MR. SNEDDON: It's a --
THE COURT: Overruled.
You may answer.
Q. BY MR. SNEDDON: Go ahead.
A. During my initial interview with him, he had told me that -- that he was specific about two events that he recalled occurring. And he also told me that he believes that it happened between five and seven times. And he could not articulate exactly what occurred, but he believes that it happened more than twice.
MR. SNEDDON: No further questions, Your Honor.
THE COURT: Recross.

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Now, you said you were aware of the rebuttal tape. How were you aware of the rebuttal tape.
A. During interviews with Mrs. Arvizo.
Q. With Janet Arvizo.
A. Correct.
Q. You had no idea what the rebuttal tape looked like at the time you talked to Janet Arvizo before November 18th; is that correct.
A. That is correct.
Q. And you did not ask any of the children about the rebuttal tape prior to the search on 2272

November 18th, 2003, correct.
A. I believe that's correct.
MR. SANGER: May I just put up 5035. That's the timeline that --
THE COURT: Yes, that's fine.
MR. SANGER: It's already in evidence. Just so we have a visual here.
Q. Okay. So again, search, November 18th. And sometime after that -- sometime between November 18th and January 19th, you saw a portion of the rebuttal video, correct.
A. That is correct.
Q. And one of the other officers said, "Look at this," and he was looking at it on his screen, and you came over and looked at it.
A. Yeah. It was a DVD, or video.
Q. Okay. And then the first time you watched the full tape was January 19th; is that correct.
A. That's correct.
Q. When you first -- who was it that showed you this tape, by the way.
A. Detective Bonner.
Q. Okay. So when Detective Bonner showed you this tape, he called you over and said, "Look at this," right.
A. Yeah.
Q. And when you first saw, it was rather remarkable, wasn't it. 2273

A. Remarkable in what way.
Q. I'm asking you. Let me ask you this, then:
It did not appear to you at that time to be
consistent with what you had been hearing from this
family up until the time you saw it.
A. When I saw bits and pieces of what he showed
me on that day, I was not alarmed by that because of
-- I recalled what Janet had told me in her initial
interview about them being forced to do that by
Dieter, so it was not alarming to me at all
regarding what I was seeing and the way she was
acting, if that's what you're asking.
Q. So forced to say things like "Call Michael
Jackson 'daddy' and 'father figure'," and all that.
A. Exactly.
Q. Okay. And you weren't -- you've sat here
now, you've seen the cards where that's what this
family does. They call people "father" and
"mother," and they tell them they love them and they
do all that, right.
A. According to the cards, yes.
Q. You weren't aware of that at the time, were
you.
A. No, I wasn't.
Q. So when she explained, and later the kids
explained, "Oh, Dieter made us do it," you weren't
aware that that's what they, in fact, did
spontaneously prior to ever meeting Dieter, right. 2274

MR. SNEDDON: Excuse me.
MR. SANGER: That was a long question.
MR. SNEDDON: It's vague, ambiguous and --
MR. SANGER: Let me withdraw it.
THE COURT: All right.
MR. SANGER: I think it was compound, actually. Let me try to break it down.
Q. Prior to -- let's put it this way: When did you first learn that this family would send very effusive cards and letters to people calling them "mommy" or "daddy," and telling them they're part of their family, and that sort of thing.
MR. SNEDDON: I'm going to object to the question as "this family" is vague. If he has specific people he wants to refer to, I think he should do that.
MR. SANGER: I'm referring to Janet, Star, Gavin and Davellin, whose names already show up on the cards in evidence in this case with regard to Palanker and Michael Jackson.
THE COURT: Just a moment. I don't know how this has deteriorated where both of you are talking freely to the jury about your questions. So let's go back to the --
MR. SANGER: I'm sorry, Your Honor.
THE COURT: Let's go back to the specific objections, and not respond to them. The objection is overruled. 2275

You may answer now. And I'll have it read back, because there's been a conversation take place.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: Upon reviewing, after the search warrant, some of the items that were seized, when I was going through some of those items, I ran across some of the cards and so forth that you have displayed here in court.
Q. BY MR. SANGER: Now, the cards to Miss Palanker, you were here in court when those were displayed.
A. That is correct.
Q. You didn't see those cards until a couple months ago; is that correct.
A. That is correct.
Q. Now, you indicated that you proceeded -- Mr. Sneddon was asking you how you proceeded with this investigation. And basically, you said that you talked to the family and you didn't -- you didn't develop other evidence before going to get the search warrants, correct.
A. Meaning --
Q. I'm paraphrasing what you were saying, and perhaps not accurately, because you're not agreeing. I believe in response to Mr. Sneddon's question, you said on November 18th, you got search 2276

warrants, and you proceeded in that fashion rather than going out and interviewing other people, other than the family, and I guess Dr. Katz, right.
A. That is correct.
Q. Okay. And I take it from what you are saying, you did that, and I think you specifically said, because this was a high-profile case, correct.
A. What I meant is, is that due to the nature of the case being a molestation case, this is not something that -- it's out of the ordinary for me, as an investigator, that, on molestation cases, you do not --
MR. SANGER: I'm going to move to strike. That's a narrative and not responsive.
THE COURT: Overruled. He's answering your question.
Q. BY MR. SANGER: Go ahead.
A. That we take those differently, and each one is dealt with differently as far as how far we pursue it before we do a warrant, because it would compromise evidence that we would possibly lose if we were to go out and contact the people.
Q. Now, you once said that you were concerned about, for instance, calling the Beverly Hills Police Department, didn't you say. Not here in these proceedings, but previously. Were you aware of that. I don't know if you said it or --
A. I don't know if it was me. I think it was 2277

one of the other investigators that was assigned to that.
Q. And you were concerned about calling the Beverly Hills Police Department why.
A. I --
MR. SNEDDON: Judge, I object. Lack of knowledge, personal knowledge.
MR. SANGER: That's fine.
Q. If you don't know -- you're the lead investigator, right.
THE COURT: Just a minute.
MR. SANGER: Let me withdraw it.
THE COURT: The objection is sustained.
MR. SANGER: Okay.
Q. I'm basing this question on your position here as the lead investigator. I take it, as lead investigator, you have a say -- or you discuss with your superiors, but you have a say on what happens in the case, correct.
A. Mr. Sanger, I have a say in what happens in the case. But the magnitude of this case, you know, I'm the lead, but I don't know every little thing that goes on and gets my approval. So I'm unaware of some things that don't go on on a regular basis.
Q. Well, you're aware, for instance, as you have told us, that Mr. Sneddon himself went down to Beverly Hills and did some investigation, correct.
A. He went down to Beverly Hills. But it 2278

wasn't for investigation.
Q. Well, sir, he went to Brad Miller's office --
THE COURT: Just a minute, Counsel. I just feel that the examination is losing its focus. Every time he answers something a little differently, you go down that street. And we're -- I wonder if you could get back to what you were asking him about originally.
MR. SANGER: This is --
THE COURT: I don't --
MR. SANGER: I can indicate to the Court --
THE COURT: I think you're taking every side street that comes up, and I'd like you to concentrate on your recross of this witness.
MR. SANGER: Yes.
Q. The recross, and the focus of this, Sergeant Robel, is what you just told us about, you told Mr. Sneddon, this is a high-profile case, that's why you proceeded in this fashion. I asked you about that, and you responded --
MR. SNEDDON: Object as a narrative.
THE COURT: Just ask your next question.
MR. SANGER: All right.
Q. And one of the things that your department did, because you said this was a sensitive case, was not contact the Beverly Hills Police Department; is that correct. 2279

A. I did not say that, to not contact Beverly Hills. That wasn't me that said that.
Q. Somebody in your department said that; is that right.
MR. SNEDDON: Object as lack of personal knowledge.
Q. BY MR. SANGER: If you know.
THE COURT: The objection is overruled. I'll have the question read back, because he added something at the end.
Go ahead.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: I believe so, yes.
Q. BY MR. SANGER: All right. And the reason for that was, you were worried about leaks.
A. That's correct.
Q. All right. Now, do you have any information whatsoever that the Beverly Hills Police Department would leak information.
MR. SNEDDON: Object, Your Honor, calls for speculation.
THE COURT: Sustained.
MR. SANGER: It's just "yes" or "no." All right.
Q. In fact, at that same time period you contacted the Los Angeles Police Department to go see where Mr. Moslehi lived or confirm his address, 2280

didn’t you.
A. Mr. Moslehi.
Q. Moslehi. However you say it. I apologize to him, but --
A. I believe we did.
Q. Okay. And in any event -- so sometimes you would -- before the 18th, there were occasions when you did make some inquiries and occasions when you didn’t, based on your concern about sensitivity; is that right.
A. I guess that would be a fair way of putting it, yes.
Q. And on November 18th, you not only got search warrants to search for evidence, but as you just told Mr. Sneddon, you also got an arrest warrant; is that correct.
A. That is correct.
Q. So November 18th, you and your department formed the opinion that you should -- you had probable cause, you should go out and arrest Mr. Michael Jackson in this case, based on what you had then, right.
A. That is correct.
Q. And then you investigated the case after you got the arrest warrant.
A. That’s incorrect.
Q. You didn’t investigate the case after you got the arrest warrant. 2281

A. We investigated the case prior to the search warrant. We continued to investigate the case, and we are currently continuing to investigate the case as this trial is going on. This is a continuing investigation.
Q. So a part of the continuing investigation you're just talking about, for instance, is an attempt to discredit witnesses who have come forward to say that the Arvizos are not telling the truth; is that correct.
MR. SNEDDON: Your Honor, I'm going to object to this as beyond the scope.
THE COURT: I'm not going to sustain the objection.
Go ahead.
THE WITNESS: Can you repeat that, please.
(Record read.)
THE WITNESS: To discredit, no. It's when we receive reports from you, as the defense, that we have accusations or things in your reports, we're going to go and see if we can interview them to clarify and to make sure that that is correct. And we're also having other people coming forward besides your witnesses that you've talked to that we're following up leads regarding this case.
Q. BY MR. SANGER: All right. When you say "our witnesses," we submit reports to you, part of what our investigators do through our office, right. 2282

A. Correct.
Q. And give you an opportunity to follow up and talk to them and figure out what's going on, right.
A. That is correct.
Q. And there have been a couple of witnesses - without going into a lot of detail - a couple of witnesses very recently, who I think have already been referred to -- but I think there have been a couple of witnesses who came forward and said they would talk only to both sides at the same time, correct.
A. That is correct.
Q. And you went down -- I think you personally went down once with Mr. Sneddon, once with Mr. Zonen, and interviewed these witnesses, correct.
A. No, I just went down with Mr. Zonen. I didn't go with Mr. Sneddon.
Q. You're aware that Mr. Sneddon went down on another witness with another investigator, is that --
A. Yes.
Q. And as to one of those witnesses, you had your officers -- as lead investigator, you had your officers, or law enforcement agents, go door to door in the neighborhood to see if people could say anything about the witness who had come forward, correct.
A. No.

Q. Were you aware that --
A. I had them go down there and make sure that was the address where that particular person was living. It's part of making sure that we have the right location.
Q. And knocked on the doors, and asked people about their neighbor, the witness, correct.
A. Correct.
Q. And you ran a -- about a 150-page Equifax credit check on one of the witnesses, didn't you, or had it done; is that correct.
A. A credit Equifax.
Q. Equifax credit check.
A. I'm unaware of that.
Q. Did you ever run an Equifax credit check on Janet Arvizo or any of the other people that are accusing Mr. Jackson.
A. We have run backgrounds on everyone involved in this case, whether they're a witness or whatever. That is procedure for us to find out who we're dealing with before we send our investigators out.
Q. Did you ever run an Equifax credit check on Janet Arvizo.
A. I believe we did.
Q. You did. An Equifax.
A. I believe so. I'm not sure.
Q. If you find that, would you provide it in discovery to us. 2284

MR. SNEDDON: Your Honor, that's argumentative.
MR. SANGER: Well, but --
THE COURT: Sustained.
MR. SANGER: All right. Very well. I have no further questions.
MR. SNEDDON: No further questions.
THE COURT: All right. You may step down.
MR. SANGER: Subject to the request that he take a look at those materials.
THE COURT: Well, we'll discuss that.
Call your next witness.
He's always subject to re-call. He's not excused.
MR. SANGER: Thank you.
THE WITNESS: Mr. Sanger.
THE BAILIFF: I'll get it. Excuse me.
MR. SNEDDON: Detective Zelis.
THE COURT: Please remain standing and raise your right hand.

PAUL ZELIS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Paul Zelis. Z-e-l-i-s. 2285

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good morning, Mr. Zelis.

A. Good morning.

Q. You're employed by the Santa Barbara County Sheriff's Department.

A. Yes.

Q. And would you tell the ladies and gentlemen of the jury how long you've been employed by them.

A. I've been employed with the sheriff's department -- well, I've been in law enforcement for about 12 years. First four years was with the marshal's office, Santa Barbara. And remaining with the sheriff's department.

Q. How long have you been a detective.

A. Almost four years.

Q. And with regard to the investigation involving the defendant in this case, Michael Jackson, were you assigned at some point to be an investigator on that investigation.

A. Yes.

Q. Do you recall when that was.

A. It was June the 13th. It was a Friday.

Q. Of what year.

A. 2003, I'm sorry.

Q. All right. And the jurors probably heard 2286

this, but we should hear it from you. You participated in some interviews of the Arvizo children; is that correct.
A. Yes.
Q. And those interviews were videotaped.
A. Correct.
Q. Now, at some point on November the 18th of 2003, did you participate in the execution of a search warrant at Neverland Valley Ranch.
A. I did.
Q. And what was your role in the execution of the search warrant.
A. To attempt to locate evidence.
Q. And were you assigned to a particular place to search.
A. Yes. I was assigned to the main house, specifically Mr. Jackson's bedroom.
Q. Any particular place within Mr. Jackson's bedroom.
A. The upstairs part of the two-story suite.
Q. All right. I want to show you an item that's in evidence as No. 340.
Excuse me, Counsel.
Ask you to take a look at that for just a moment.
THE CLERK: That's not 340.
THE COURT: You have not identified that exhibit correctly. 2287

MR. SNEDDON: I said 340, Your Honor.
THE COURT: It's not 340.
THE WITNESS: 317.
MR. SNEDDON: No, that's the item number.
THE COURT: 340 is two disks.
MR. SNEDDON: You're right. I transposed
the numbers. 470.
THE CLERK: It hasn't been received in
evidence.
Q. BY MR. SNEDDON: Do you recognize that item.
A. Yes, I do.
THE COURT: It's not in evidence yet.
MR. SNEDDON: All right. I'll take care of
that right now, Your Honor.
Q. The item that's in front of you as 470, is
that the right number.
A. Exhibit No. 470.
Q. Let me write that down. I had the wrong
number written down. All right.
When and where did you see that for the
first time.
A. I saw that during our search warrant on
November 18th. And I first located this in the
downstairs closet next to the stairway that leads up
to Mr. Jackson's bed.
Q. And after you looked -- after you saw it,
did you take it into your custody.
A. I did. 2288

Q. Did you open it.
A. Yes.
Q. And did you see what the contents were.
A. Yes.
Q. And what were the contents.
A. Pornographic --
Q. You can't use that word. I already messed up. It's "adult material."
A. Adult material.
MR. SANGER: Your Honor, I --
THE COURT: Sustained.
MR. SANGER: I'm going to ask the Court to explain the significance.
MR. SNEDDON: That's fine.
THE COURT: I think I already did tell the jury the significance.
Go ahead.
BY MR. SNEDDON:
Q. "Adult material"; okay.
A. Yes.
Q. What did you see inside.
A. Commercially produced adult material magazines.
Q. And after you had opened it up and observed the contents, what did you do with it.
A. I gave it to Detective Padilla to be booked into evidence.
Q. Did you give Detective -- without saying 2289

what you said, did you give him information as to where it was located.
A. Yes.
Q. And where was Detective Padilla located when you gave it to him.
A. He was within the downstairs den area of the two-bedroom suite.
MR. SNEDDON: I move that be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: Two photographs I'm going to hand you.
With regard to the first photograph, Your Honor, and Counsel -- I'm sorry, let me have those back, because one of those is a new photo. The other one's already in evidence.
Now, with regard to the first photograph, it's marked for identification purposes, which is 85. Do you see that photograph.
A. Yes.
Q. And is -- is that photograph an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: I move that 85 be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It's admitted. 2290

Q. BY MR. SNEDDON: And with regard to People's 86, do you recognize that photograph.
A. Yes.
Q. And is that -- that's already in evidence.
Do you recognize what's depicted in that photograph.
A. Yes.
Q. And when is -- where was that when you first saw the items depicted in that photograph.
A. I pulled it out of the closet as depicted in Exhibit No. 85. I pulled it to -- outside the closet in an area of the floor that I could open it. Opened it and had a picture taken of it.
MR. SNEDDON: Your Honor, may we have the Elmo turned on, please.
Q. All right. With regard to the photograph that's depicted on the Elmo above, what does that show, Detective.
THE COURT: What exhibit is that.
MR. SNEDDON: This is 85.
THE COURT: Thank you.
THE WITNESS: It shows the briefcase in its original location within the closet.
Q. BY MR. SNEDDON: And where was that closet located.
A. It was directly next to the stairway leading up to the upstairs bedroom area.
Q. And now I'm going to put 86 on the board. With regard to the Exhibit 86, does that 2291

depict the condition of the briefcase when you first opened it up.
A. Yes.
Q. Did you personally go through and inventory all the items inside the briefcase at that time.
A. No.
Q. So what did you do after you opened it up and looked at it.
A. I had forensics take a picture of it, and I closed it, sealed it, and booked it into evidence.
Q. Okay. We can take that down.
All right. I've shown you a photograph, No. 75, which is in evidence, I believe, Madam Clerk. That's what it says on the tag, so I'm --
Do you recognize what's depicted in that photograph.
A. Yes.
Q. All right. And what is that.
A. It is the upstairs bed area of the two-story suite.
Q. Is that the area in which you were conducting your search.
A. Yes.
Q. Now, do you see anything depicted in that photograph that contained items that you seized on that day of November 18.
A. No.
Q. Okay. Did you seize things from other areas 2292

of the bedroom.
A. Yes.
Q. Where.
A. In a nightstand directly opposite of this picture that's on the right-hand side of this.
Q. I got the wrong picture. Okay. We'll correct that.
A. Okay.
Q. That was a test.
All right. The next photograph that's in front of you, the number on that is.
A. 338.
Q. Is that in evidence.
A. Yes.
Q. All right. With regard to 338, when and where was the first time that you saw the item depicted in that photograph.
A. I located this photograph of the children in the nightstand, as I previously mentioned, to the right of the bed, in the bottom drawer.
Q. Okay. Would you turn that one over, if you would.
The next photograph, the number on that is.
A. 83.
Q. And that, I believe, is not in evidence.
Do you recognize what's depicted in that photograph.
A. Yes. 2293

Q. And is that photograph an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Move it be admitted into evidence, Your Honor.
MR. SANGER: No objection.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: And the next photograph, Officer -- Detective.
A. 285.
Q. With regard to 285, do you recognize that.
A. Yes.
Q. And is that an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: I move that 285 be admitted into evidence, Your Honor.
THE COURT: Is there any objection.
MR. SANGER: No objection, Your Honor.
THE COURT: All right. It's admitted.
MR. SNEDDON: We're going to need the Elmo again, Your Honor.
Q. All right. I'm going to have Exhibit No. 338 put up on the Elmo.
Now, do you recognize that photograph.
A. Yes.
Q. And where was it the first time you saw it.
A. In -- located within the second bottom 2294

drawer of the nightstand to the right of the bed.
Q. Now, with regard to that particular exhibit, 33 -- with regard to the photograph depicted in the Photograph 338, what did you do with that photograph.
A. I had it booked into evidence.
Q. And do you recognize the people in that photograph.
A. Yes.
Q. And had you met them prior to the execution of the search warrant.
A. Yes.
Q. And you say you had it booked into evidence. Would you describe to the jury what you did with regard to this particular item to get it processed and booked into evidence.
A. I provided it to Detective Padilla, who was gathering all the evidence and taking note of who located it and where it was found.
Q. All right. Now, we're going to put the Exhibit 83 on the board.
Do you recognize what's depicted in the Exhibit 83.
A. Yes.
Q. And with regard to that particular exhibit and the magazine, did you direct that photograph be taken.
A. Yes. 2295

Q. By whom.
A. Forensics.
Q. And when and where was that magazine the first time you saw it.
A. Just as you see it there inside the drawer.
Q. So that's exactly where it was before it was touched.
A. Correct.
Q. All right. Do you recall how many magazines that you found of a similar nature in that particular drawer.
A. An exact amount, I don't. But I know there were several. Exact amount, I don't know. I know there were several.
Q. Oh, "several." I couldn't hear the last word. Okay. Thank you.
All right. You can take that down.
I'm going to place 285 up on the board right now and ask you if you recognize it when it gets cleared up. All right. 285, do you recognize that.
A. Yes.
Q. And did you play a role in having those items displayed on the bed.
A. Yes, I placed them there.
Q. And were you present when the photograph was taken.
A. Yes.
Q. And where are -- the items that are depicted 2296

1 in that photograph, where did you obtain them from.
2 A. These were all items located in the bottom
3 drawer of that nightstand.
4 Q. All right. You can take that down.
5 Your Honor, may I have just a moment to get
6 the right photograph.
7 THE COURT: Yes.
8 Q. BY MR. SNEDDON: All right. I think we can
9 clarify this.
10 I've handed you a photograph that's marked
11 as People's 77; is that correct.
12 A. Correct.
13 Q. And People's 77, do you recognize that.
14 A. Yes.
15 Q. Now, does that photograph depict the
16 location of where you found the items that you just
17 testified about.
18 A. Yes.
19 Q. All right. That felt pen, is that still up
20 there somewhere.
21 A. No.
22 Q. No. No, it isn't, because I took it.
23 Now, on the exhibit People's 77 - okay. -
24 I want you to just put your initials on the location
25 of the item of furniture which you obtained those
26 magazines in the photograph.
27 A. Okay.
28 Q. And what have you put on the photograph. 2297

A. My initials. “PZ.”
Q. All right. Thank you.
During the course of the time that you executed this warrant, did you see a mannequin in the room.
A. Yes.
Q. And where was the mannequin when you saw it for the first time.
A. In the upstairs bedroom area of the two-story suite.
Q. And when you saw the mannequin, what did you do with it.
A. I booked it into evidence.
Q. So this was another item that you took down and gave to Deputy Padilla.
A. Detective Padilla, yes.
Q. Detective Padilla.
A. Yes.
Q. Can you just generally describe what the mannequin looked like.
A. It’s a mannequin, life-sized mannequin of an eight-year-old Afro-American girl.
Q. Okay. Now, during the time that you were processing these pieces of evidence, were you wearing gloves.
A. Yes.
Q. During the course of the search that day, did you see anything that looked like some kind of a 2298

folding chair or a futon of some kind in Mr. Jackson's room.
A. Yes.
Q. Would you describe where it was and what it looked like to you.
A. It was -- it was actually to the right of the right nightstand where I've located these items. It was like a little cushion seat. I think you can fold it out. I'm not quite sure of this, but it looked like the type that could be folded out and slept on.
MR. SANGER: I'm going to move to strike based on speculation, Your Honor, the last part.
THE COURT: Sustained. And it's stricken.
MR. SNEDDON: Your Honor, at this time I have one other exhibit I'd like to have marked for identification purposes, which is 561. And it's a brown bag with the number in black at the top, 365, and its contents.
THE COURT: All right.
Q. BY MR. SNEDDON: Detective Zelis, I've handed you an item that's marked as -- I forgot the number. What's the number. 571.
A. 561.
Q. 561. Do you recognize that bag.
A. Yes.
Q. Would you please take the item out of the bag. 2299

Do you recognize the item you took out of the bag.
A. Yes.
Q. When and where was that the first time that you saw it.
A. I saw this in the upstairs bed area of the two-story suite.
Q. And what did you do with it after you saw it.
A. I seized it and had it booked into evidence.
Q. Do you remember specifically where upstairs it was.
A. It was over by this chair that I described on top of some books, or some boxes, I should say.
Q. Okay.
MR. SNEDDON: I need a moment, Your Honor. Your Honor, it's time for a break and we have a minor thing to straighten out. So that would be better than doing it in front of the jury and you.
THE COURT: All right. Let's take the break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2247 through 2300 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 16, 2005

8:30 A.M.

(PAGES 2302 THROUGH 2455)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2302

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2
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ZELIS, Paul	2316-SA	2368-SN	2370-SA	
ALVAREZ, Victor M.	2372-SN	2396-SA		
SHEPHERD, Karen	2419-SN	2438-SA		

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 57 Photograph of master bath 2379 2379
4 59 Photograph of master bath 2421 2422
5 62 Photograph of counter area
6 of master bathtub 2431 2431
7 63 Photograph of closeup of metal briefcase and magazine 2435 2435
8 64 Photograph of closeup of magazine 2434 2434
9 65 Photograph of closeup of DVDs 2429 2430
10 286 Chart of Michael Jackson's
11 upper bedroom 2307 2308
12 287 Rolled fingerprints of Star and Gavin Arvizo 2374 2374
13 288 Brown evidence bag containing
14 black computer case 2305 2379
15 289 Photo of front cover of No. 566 2381 2384
16 290 Photo of front cover of No. 567 2381 2386
17 291 Photo of front cover of No. 562 2387 2389
18 292 Photo of front cover of No. 563 2387 2392
19 293 Photo of front cover of No. 564 2388 2392
20 294 Document from the inside of Exhibit No. 288, 12 pages,
21 with "MJ" initials 2394
22 296 Front cover of Item 578 2426 2427
23 297 Front cover of Item 577 2425 2427
24 561 Brown bag containing books 2307
25 562 Brown bag containing book 2387 2389
26 563 White binder containing magazine 2387
27 564 White binder - Item 304-D 2387
28 2305

E X H I B I T S (Continued)

FOR IN PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
565	Two DVDs	2380	2382
566	White binder - Item 309-B-1	2380	
567	White binder - Item 309-B-2	2380	
569	Brown bag containing five videos	2422	2423
570	"Barely Legal" DVD	2299	
571	DVD	2422	2423
572	DVD	2422	2423
573	DVD	2422	2423
574	"Pimp Up, Ho's Down" DVD	2422	2423
575	Brown bag with the number "302" at the top	2429	2430
576	Book	2425	2427
577	Book	2425	2427
578	Book	2426	2427
579	Book	2426	2427
580	Clear plastic bag containing binder	2431	
631	Photograph	2426	2437
633	Brown paper bag with the number "315" at the top	2436	2437

DEFENDANT'S NO.			
5031-A	Photocopy of front cover of Neverland Valley guest book	2252	
5033	Photo of defaced mannequin	2336	

THE COURT: All right.
MR. SNEDDON: Thank you, Your Honor.
Q. Detective Zelis, I want to direct your attention back to the Exhibit No. 561. Oh, sorry. I want to direct your attention back to the Exhibit 561 for a moment, if we can.
A. Yes.
Q. Prior to the recess, you withdrew one book from that brown bag; is that correct.
A. That is correct.
Q. And the bag actually contained two books.
A. Yes.
Q. And we found the second one during the recess.
A. Yes.
Q. And do you recognize the second book.
A. Yes.
Q. And those are the items that you found in Mr. Jackson's bedroom.
A. Correct.
MR. SNEDDON: Move that those items be admitted into evidence, Your Honor.
MR. SANGER: Other than objections previously stated, we have no objection.
THE COURT: All right. Admit them.
Q. BY MR. SNEDDON: All right. At this point I'm going to hand you an exhibit that's been marked as 286 for identification purposes. Okay. 2307

MR. SANGER: May I see it, please.
MR. SNEDDON: 286, Your Honor. And it's a chart.
MR. SANGER: Oh, okay.
MR. SNEDDON: I'll show it to counsel.
MR. SANGER: Yeah, fine.
Q. BY MR. SNEDDON: Do you recognize the floor plan depicted in the chart, 286.
A. It appears to be the upper bedroom portion of the two-story suite.
MR. SNEDDON: Okay. Your Honor, I would purport at this time, like we did before, with the same admonition, that it does not necessarily mean that the numbers as to the dimensions of the room are accurate, but to be used to demonstrate this witness's testimony as to the locations of certain items. And that's what I discussed with counsel before.
MR. SANGER: I have no objection to that.
THE COURT: All right. It's admitted on that condition.
Q. BY MR. SNEDDON: Now, Detective Zelis, if you could, for the ladies and gentlemen of the jury, first of all, could you indicate for them the location --
We're going put the chart up on the board, if we can, Your Honor. And --
You're going to need to mark on this. 2308

All right. I want to direct your attention to the Exhibit 256. Now, can you indicate to the ladies and gentlemen of the jury, on this particular exhibit, where it was that you found -- where the nightstand was located and the items that you found there.
A. The nightstand would have been approximately in this area.
Q. All right. You're indicating to the lower right-hand far wall of the bedroom.
A. Correct.
Q. Would you indicate that on the -- on the exhibit.
All right. Would you describe for the record what you put there.
A. I drew a square, and inside the square I put "NS," for "nightstand."
Q. All right. Now, within that nightstand, you found some magazines, correct.
A. Yes.
Q. And you found the picture of the Arvizo children.
A. Yes.
Q. Okay. Would you just put a little, like a line to the nightstand thing, and write those in there.
All right. Now, you've indicated to the ladies and gentlemen of the jury you found two books 2309

1 that have now been admitted into evidence as 561.
2 Where did you find those in Mr. Jackson's bedroom.
3 A. Do you wish me to point --
4 Q. Please.
5 A. There was numerous boxes and cabinets in
6 this general area of this side of the bedroom.
7 Q. You're indicating to the exhibit, 286, that
8 down towards the left lower wall of the room.
9 A. Correct.
10 Q. Okay. And would you, on the Exhibit 286,
11 please indicate generally where you found the two
12 books that are now in evidence as 561.
13 A. Okay.
14 Q. All right. And what did you put on the
15 Exhibit 286, the chart.
16 A. I drew a rectangle with a "B," for "books."
17 Q. Now, you told the ladies and gentlemen of
18 the jury that you found a mannequin in the bedroom
19 that you took.
20 A. Yes.
21 Q. And do you have a photograph in front of
22 you, which I believe is 153, which is in evidence.
23 A. Correct.
24 Q. Do you recognize the item depicted in that
25 photograph.
26 A. Yes.
27 Q. And what is that.
28 A. It is the mannequin. 2310

Q. And can you indicate on the exhibit that's up on the wall there, which is a replica of 286, where you found the mannequin.
A. I first located the mannequin, it was on the floor generally in this area.
Q. You're indicating, again, towards that far wall, and on this exhibit towards the lower left-hand part of it.
A. Correct.
Q. All right. Would you please just put an "M" in the general area of where you found the item depicted in 153, the mannequin.
A. Okay.
Q. Okay. Now, on the exhibit chart, 286, you told the ladies and gentlemen of the jury that you found the briefcase that's in evidence, that's 470, in a particular location below that bedroom; is that correct.
A. Correct.
Q. Are you able to show the ladies and gentlemen of the jury the general area on the chart, 286, as to where the entryway to that closet is in relationship to the bedroom.
A. The entry door was on the bottom floor, right next to the staircase, so it would have been in this area here.
Q. So towards the area on the chart where the stairs are, but just to the right of it; is that 2311

1 correct.
2 A. That is correct.
3 Q. Would you please indicate on the exhibit
4 chart, 286, just put the number -- or just put
5 “Briefcase” in the general area of where you found
6 the briefcase.
7 A. Okay.
8 Q. And I’ve handed you a photograph that’s
9 marked as People’s 72, which is in evidence.
10 A. Yes.
11 Q. Do you recognize that.
12 A. Yes.
13 Q. And do you recognize -- what is People’s 72;
14 tell the jury.
15 A. It is a picture, downstairs, of the stairway
16 and several entry doors. One to a closet; one into
17 the actual room where the picture was taken. The
18 stairs are what is depicted in this diagram here.
19 Q. Diagram 286.
20 A. Correct.
21 Q. All right. Could you put your initials on
22 the door that led to the closet where you found the
23 Item 470.
24 A. Okay.
25 Q. All right. So we’ve now put up for the jury
26 to see the photograph, 72, which is in evidence.
27 And I notice it has a dark “P” and a “Z.”
28 A. Correct. 2312

Q. Those are your initials on the door that led to the closet where 470 was found.
A. Yes.
Q. Now, I have a few questions about that, and then we're going to be done.
With regard to the Item 470, the black briefcase - okay. --
A. Okay.
Q. -- prior to the time that you went to the ranch on November 18th, had you participated in an interview with the Arvizo boys, Gavin and Star.
A. Yes.
Q. And had they described to you an incident involving Mr. Jackson showing them adult materials.
A. Yes.
Q. And did they describe to you where -- the container that the adult materials were in.
A. Yes.
Q. Why did you take Exhibit 470, the black briefcase.
MR. SANGER: Objection. State of mind is not relevant.
THE COURT: Sustained.
Q. BY MR. SNEDDON: When you observed the Item 470, can you tell us whether or not it matched the description of -- the description given by the Arvizo boys.
A. It matched the description exactly. 2313

Q. Now, with regard to that particular Exhibit 470 -- and we can take that one down. And I want to show this one again. That's Exhibit 86, a photograph. With regard to that particular exhibit, did you testify before the grand jury.
A. Yes.
Q. And did the grand jury request to be able to look at the materials inside of this suitcase.
A. Yes.
Q. And were you the officer who was chosen to be the one to take the briefcase in and show them the materials.
A. Yes.
Q. Did you allow anybody in the grand jury to touch any of those materials.
A. No.
Q. Did you, in the course of showing those things to the grand jury, take any precautions so your fingerprints wouldn't show up on those materials.
A. Yes, I wore latex gloves.
MR. SNEDDON: Thank you.
No further questions, Your Honor.
THE COURT: Mr. Sanger.
MR. SANGER: Let's -- you don't have to give me all of them. Just give me the one that was just up there. That's fine. Yeah, okay.
// 2314

CROSS-EXAMINATION
BY MR. SANGER:
Q. Detective Zelis, starting with the item we left off with there, this is Item 315 as it was booked into evidence, right.
A. Yes.
Q. So the entire briefcase, with all of its contents, was booked into evidence as Exhibit 317.
A. Correct.
Q. You testified on direct that you gave it to Detective Padilla, who booked it into the evidence locker or into the evidence system in the Santa Barbara Sheriff's Office; is that correct.
A. That is correct.
Q. And he booked in -- as you gave it to him, he booked in the entire briefcase and the contents, correct.
A. Correct.
Q. And it was numbered Item 317, correct.
A. Yes.
Q. Now, I believe you said something about forensics on direct examination with regard to this. But I may be wrong.
So let me ask you, was it your intention that the contents of this briefcase be evaluated and analyzed by the CSI or forensic unit at the sheriff's department.
A. No. 2315

Q. Did you think anything about that.
A. No.
Q. You were wearing gloves when you -- when you seized this item, correct.
A. Correct.
Q. And you put it in a plastic bag, correct.
A. Correct.
Q. You didn't think forensics was ever going to look at this.
A. Well, I'm sure they would.
Q. Okay. And you're sure they would for what purpose. Look at that for fingerprints, perhaps.
A. Perhaps.
Q. Okay. Do you think that would be pretty much a priority.
A. Possibly.
Q. Possibly.
And in 2004, April -- March and April of 2004, in that time period, this briefcase was brought to the grand jury in Santa Barbara; is that correct.
A. Correct.
Q. And it was your understanding it had been to forensics, right, when you brought it in.
A. That I'm not sure of.
Q. You're not sure.
By the end of the grand jury proceeding, you came to realize that nobody had checked for 2316

fingerprints on these materials inside of Sheriff's Item 317; isn't that correct, sir.
A. Yes.
Q. That was kind of a shocker, wasn't it.
It wasn't a shocker.
A. No, not to me.
Q. You're kind of smiling. This -- in fact, when that was learned, that's when you were sent in with gloves for the grand jury to look at the materials, so that they wouldn't be picking it up and handling it; is that right.
A. Correct.
Q. However, during the course of that grand jury, the contents of this, of this briefcase, Sheriff's Item 317, was handed to Gavin Arvizo so he could look through it, see if he could identify it; isn't that correct.
MR. SNEDDON: Objection. No personal knowledge, no foundation.
THE COURT: I think he's asking him if that happened, so I will overrule the objection.
THE WITNESS: I would not know.
Q. BY MR. SANGER: So you weren't advised by the end of the grand jury proceedings that Gavin Arvizo had taken the contents of this and looked through it at the request of the District Attorney.
MR. SNEDDON: Same objection.
THE WITNESS: No. 2317

THE COURT: Sustained.
MR. SANGER: Okay.
Q. After the -- 317. I'm referring to Item 317 for a reason. It is an exhibit here in court with a different number, but Sheriff's Item 317, this whole briefcase, was booked into evidence at the grand jury; is that correct.
A. Yes.
Q. And when you were assisting the grand jurors to look through this material with gloves, it was in evidence, it was in the possession of the Clerk of the Court of the County of Santa Barbara; is that correct.
A. Yes.
Q. And after you assisted the grand jury in looking through this with gloves, it remained -- this Item 317, the briefcase and the contents, remained with the Clerk of the Superior Court; is that correct.
A. To my knowledge, yes.
Q. And during the testimony in the case with regard to Item 317, do you or do you not know -- let me withdraw that and start again.
During the course of the grand jury proceedings, do you know how many witnesses were shown the contents of this briefcase, Sheriff's Item 317.
A. How many witnesses. 2318

Q. Yes.
A. I do not know.
Q. And after you completed your assistance to the grand jury by wearing gloves so they could look through this material, do you know whether or not the court clerks wore gloves when they went through and inventoried all this material.
A. I do not know.
Q. Do you know when this item was removed from the grand jury for the purpose of doing a fingerprint analysis.
A. I do not know. I did not remove it.
Q. Okay. But you were the -- one of the lead detectives on this case; is that correct.
A. Correct.
Q. Okay. And so in that capacity, it's your job to know pretty much what's going on in the case, isn't it.
A. Yes.
Q. Okay. And in the course of acting as one of the lead detectives on the case, you came to realize that fingerprints had not been taken until after this briefcase was released from evidence sometime in the summer of -- spring or summer of 2004; is that right.
A. That is my understanding.
Q. Now, you were -- you were a deputy marshal. I just want some factual -- and I don't mean to be 2319

rude in anything I'm asking here, but you were a deputy marshal to start with; is that correct.
A. Yes.
Q. And as such, you were employed by the County of Santa Barbara as -- in part, as a bailiff in the Santa Barbara Municipal Court; is that correct.
A. That is correct.
Q. All right. And you also served civil papers, like complaints and subpoenas and divorce papers in civil cases; is that correct.
A. Yes.
Q. You did that for about four years.
A. Yes.
Q. And then you -- did you go to the sheriff's department when there was a merger of the courts.
A. Yes. We all became sheriff's deputies.
Q. Okay. So when the -- when the Municipal Court was done away with and it all became a Superior Court, all the judges became Superior Court judges, the deputy marshals then became deputy sheriffs, if they wished to do that; is that correct.
A. That is correct.
Q. And you opted to do that; is that correct.
A. Yes.
Q. How long were you -- let me withdraw that. What was your first assignment when you were a deputy sheriff. 2320

A. My first assignment was patrol.
Q. All right. So you went out in a black-and-white and patrolled the streets and highways of Santa Maria and the environs up here; is that right.
A. Correct.
Q. And how long did you do that.
A. A little over four years.
Q. Okay. And then you became a detective; is that right.
A. Yes.
Q. Did you have a particular assignment as a detective.
A. I was assigned originally to the Santa Maria station, and then shortly thereafter assigned to the Solvang station.
Q. Okay. And you were -- you didn't have a particular detail that you were assigned to. You were assigned as a detective --
A. Correct.
Q. -- just to generally work in that capacity. You weren't doing narcotics in particular.
A. No. Criminal investigations.
Q. You weren't doing sex crimes in particular.
A. Occasionally.
Q. Occasionally. And occasionally you did narcotics, right.
A. Yes. 2321

Q. Okay. Occasionally you did just about everything that came through the door, right.
A. Yes.
Q. And so at the time that you were assigned, in June of 2003, to work on this case, you had been a detective for about two years.
A. Yes.
Q. Now, again -- and I don't mean this in an offensive fashion, but just -- there were a lot of detectives in the Santa Barbara Sheriff's Department who had much more experience than you did in sex crime investigations as of that time; isn't that correct, sir.
A. Yes.
Q. All right.
THE COURT: Is it all right if I turn the light on.
MR. SANGER: Yes. Yes. Thank you.
Q. Now, I'll work backwards a little bit here through what was said, since it's fresh in our mind. You mentioned that the Arvizo boys -- you had interviewed the Arvizo boys - I think this was the way it was put - and the briefcase matched a description that they had given of a black briefcase, correct.
A. Correct. Except I think they used the word "suitcase," instead of briefcase.
Q. So you found a black briefcase, and it 2322

seemed to be similar to what they were describing as a suitcase; is that correct.
A. Yes.
Q. Okay. Do you know whether or not the Arvizo boys went through various rooms in Mr. Jackson's house when Mr. Jackson was not there.
MR. SNEDDON: Your Honor, I'm going to object; lack of personal foundation, personal knowledge. It's clear that he doesn't --
MR. SANGER: That's a speaking objection
THE COURT: Sustained. The question is "Do you know," so I'll allow the question.
MR. SANGER: Thank you.
THE COURT: Do you want it read back.
THE WITNESS: Please.
(Record read.)
THE WITNESS: I do not know.
Q. BY MR. SANGER: Okay. When we're talking about evidence here, you have before you Exhibit 561, which is Sheriff's Item, I think, 365; is that correct.
A. Correct.
MR. SANGER: And has that been received into evidence, Your Honor.
THE COURT: 561.
MR. SNEDDON: Yes.
THE COURT: Yes.
MR. SANGER: Okay. 2323

Q. 561 is a bag that contained eventually two books here; is that correct.
A. Yes.
Q. All right. Now, sir, are you familiar in your training and experience with what's called "chain of custody".
A. Yes.
Q. All right. Can you hold the bag up, with the Court's permission, so the jury can see it, just in general, and I'm going to ask you some specifics. Hold it still for a second.
All right. Okay.
MR. SNEDDON: Excuse me, Counsel. Can I consult with counsel before he asks the next question, Your Honor.
THE COURT: Yes.
MR. SANGER: Do I have a say in that.
THE COURT: Yes.
(Off-the-record discussion held at counsel table.)
THE COURT: I should have given you permission --
MR. SANGER: Excuse me one second.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Okay. We're all up to date in Kansas City, here. May I proceed.
THE COURT: Yes. 2324

Q. BY MR. SANGER: All right. Detective Zelis, we were talking about chain of custody of evidence, right.
A. Yes.
Q. Are you familiar with that.
A. Yes.
Q. And you held the bag up. Could you hold it up again. And I'm going to ask you to just point out what happens when somebody opens the bag to look at it before you come to court. In other words, it's -- let me start this -- it's a little easier to do it this way:
When something's first put in the bag, the bag is sealed, correct.
A. Yes.
Q. Can you show how that bag was first sealed.
A. It would have been sealed at the top, stapled, evidence tape put on it, and then initialed and dated with a marker.
Q. Okay. And then when the bag is subsequently opened, what do you do. Do you just rip open the top.
A. No. You try to open it in a different area, and seal it in the same manner when the items are put back.
Q. So you would -- hold that up again, if you would, please. In other words, this is a regular bag, as it were. It now has red tape all over it on 2325

1 the sides.
2 That red tape was not on the sides when the
3 books were first put in there; is that correct.
4 A. That is correct.
5 Q. The red tape was then put on each side when
6 the bag was opened for one reason or another.
7 A. Yes.
8 Q. And then it was resealed, new red tape was
9 put on that seam; is that correct.
10 A. Correct.
11 Q. All right. Now, when you came down here,
12 you had one book in the bag; is that correct. Or,
13 I'm sorry, when you say -- when you came down here
14 an hour before, whenever it was, there was one book
15 in the bag, right.
16 A. I didn't bring the book down.
17 Q. Were you asked to look at the bag.
18 A. Yes.
19 Q. And there was one book in it when you first
20 looked at it; is that right.
21 A. Correct.
22 Q. And then at the break, somebody went back up
23 and found another book; is that right.
24 A. It was still here in the courtroom.
25 Q. It was sitting here someplace.
26 A. Yes.
27 Q. All right. The reason to be cautious about
28 the chain of custody is to make sure you have the 2326

right items in the right bag when you come into court; is that right.
A. Absolutely.
Q. Now, for Mr. Sneddon's benefit and the Court, I will point out that we agreed that the bags could be opened so the items could be marked for court. That would be the last time. In other words, the last opening. We agreed that could be done without doing it right on the record.
MR. SNEDDON: Well, it was more than that. That they --
MR. SANGER: If there's going to be an argument, Your Honor, I'd ask we be heard elsewhere.
THE COURT: Proceed.
MR. SANGER: Thank you.
THE COURT: That's a good argument. I'll ask you to have the arguments elsewhere. I didn't realize how good that was.
MR. SANGER: Another county, maybe.
(Laughter.)
Q. BY MR. SANGER: All right. Now, let's talk about the contents of that bag.
And may I approach, Your Honor.
THE COURT: Yes.
MR. SANGER: I'd like to retrieve the contents of the bag.
Let's have the bag and the contents. And I'll let you hand it to me. You don't have to put 2327

it in. Put it on top.
And I'm going take this back, if I may.
Q. All right. The first book that you -- that was in this bag, the one that was there when you first looked at it - and the bag I'm referring to is Exhibit 561 - the first book is by Robert Maxwell; is that correct.
A. I believe so.
Q. All right. Do you know whether or not Robert Maxwell is a personal friend of the Jackson family.
A. No, I do not know that.
Q. Now, you were at the initial walk-through of the search of the residence of Mr. Jackson; is that correct.
A. Correct.
Q. When -- in fact, I believe you were in the very first car that drove up to the front door; is that correct.
A. Yes.
Q. All right. And you were with -- for the most part, you were with Sergeant Robel during the initial walk-through; correct.
A. Yes.
Q. Lieutenant Klapakis was there as well.
A. Yes.
Q. Okay. Mr. Sneddon showed up in the foyer at some point during the walk-through; is that correct. 2328

A. I believe so, yes.
Q. Yeah. And when you walked through, you walked through the whole main house; is that right.
A. Correct.
Q. And then did you also walk through the other areas, such as the office area, the security office. The video library, did you walk through that building.
A. No.
Q. Did you walk through the arcade building.
A. No.
Q. All right. So talking just about the main residence that you walked through, the main residence, did you observe a number of books in the main residence.
A. Yes.
Q. Is it safe to say that there were probably thousands of books in the main residence.
A. I don't know about thousands. Maybe hundreds.
Q. Hundreds. Okay. And in Mr. Jackson's, what you called his suite, the first floor, there were stacks of books in front of the big screen T.V.; is that correct.
A. To the side of a big screen T.V., yes.
Q. Along that wall.
A. Yes.
Q. All right. And then there was also a 2329

bookcase with books right next to that door that you showed us; that you showed us the inside of the door, but just outside of that door where the stairway is, that was a bookcase.
A. Yes.
Q. With a lot of books there.
A. Yes.
Q. There were also all sorts of books and magazines piled up in the upstairs bedroom part; is that correct.
A. Yes.
Q. Just stacks of books here and there and all over the place, right.
A. Yes.
Q. In addition to that, there were -- in the main house that you went through, including Mr. Jackson's suite, there were a number of items that appeared to have been sent by fans. Would you say that's correct.
A. Yes.
Q. And there were a number of items that seemed to have been given to Mr. Jackson or sent to Mr. Jackson by other celebrities; is that correct.
A. I don't have personal knowledge of that.
Q. Well, did you see a letter sitting on the piano from Steven Spielberg, for instance.
A. No.
Q. Did you see any cards from Liza Minnelli. 2330

A. No.
Q. Are you aware that any of those -- that Liza Minnelli card was seized.
A. Yes.
Q. So it was somewhere. You just didn’t see it while it was sitting there.
A. Correct.
Q. Did you see items that were original items signed by Walt Disney, for instance.
A. I didn’t see that.
Q. You didn’t see that in the same closet that you were retrieving the black briefcase from.
A. There may have been some frames on the wall. I don’t know who signed them.
Q. And there were a lot of -- there was a lot of memorabilia from other movie stars, including Shirley Temple, and a number of other movies; is that correct.
A. Yes. Memorabilia.
Q. Memorabilia. And it appeared that Mr. Jackson had saved -- in stacks or piles or bookcases or on the floor, all over his private quarters, he had saved a tremendous number of things that had been sent to him by other people, right.
A. Yes.
Q. All right. So you don’t know where the Maxwell book came from, do you. You just found it.
A. I know it came from his bedroom. 2331

Q. Okay. And of all the materials that you observed, there were no materials of an adult nature or sexually explicit nature, there were no materials that were, in and of themselves, illegal to possess, were there.
A. Not that I recall, no.
Q. Okay. And the magazines that you picked out -- I won't put them back up unless you want me to. But the magazines that you picked out and you pulled out of the drawer to photograph on the bed, for instance, those are commercially available magazines. You could go to a store and buy them, right.
A. Correct.
MR. SANGER: All right. Can we have the screen again, please, Your Honor. And still up there is No. 86.
Q. Did you determine the date of the top magazine, the "Barely Legal".
A. I did not.
Q. Were you aware that it is dated after the time that the Arvizos were at the ranch.
A. No.
Q. And that hasn't come to your attention.
A. No.
Q. All right. You don't know -- of the materials you seized, you don't know when they were actually placed or stored or put wherever you 2332

1 located them. In other words, you don't know when
2 they came to be there. You just know they were
3 there on November 18th, 2003; is that right.
4 A. Correct.
5 Q. So you don't know what, of those items, was
6 there, if any, in February or March of 2003,
7 correct.
8 A. Correct.
9 Q. You also indicated that you found Exhibit --
10 You can turn off the thing, Your Honor.
11 Thank you.
12 I think it's Exhibit 338. You found a
13 picture that appeared to be of the Arvizo children,
14 correct.
15 A. Yes.
16 Q. And it appears to be a picture -- well,
17 maybe I could put it up, Your Honor, if I may.
18 It appears to be a picture that was taken of
19 the children and probably given to Mr. Jackson,
20 correct.
21 A. Correct.
22 Q. It doesn't look like a candid snapshot. It
23 looks like some kind of a commercially prepared
24 picture; is that right.
25 A. Correct.
26 Q. All right. When you looked through the
27 house, just the main house that you looked through,
28 Mr. Jackson had a tremendous number of photographs 2333

of adults, children, people of all sorts all over his house, did he not.
A. Yes.
Q. And it appeared that quite a number of those photographs were, in fact, sent to him by fans or people who were sending him photographs. They weren't snapshots taken by Mr. Jackson; is that correct.
A. Correct.
Q. All right. I want to ask you about the mannequin and the -- well, it's not here. Do you have the photograph of the mannequin.
A. Here it is.
Q. Oh. It's up there.
A. Yes.
MR. SANGER: May I approach, Your Honor.
THE COURT: Yes.
MR. SANGER: Thank you.
THE WITNESS: Uh-huh.
MR. SANGER: What else do you have there. Let me see, so I don't make too many trips. Now, 153 I believe is in evidence; is that correct, Your Honor. In any event, I'd like to publish it. I believe it is.
THE COURT: Yes. 153's in evidence. You may show it.
MR. SANGER: Thank you.
Q. When you look at 153 - and you have to wait 2334

a second - it appears to be a -- a mannequin of a child, you said, right.
A. Yes.
Q. Do you know if that is a mannequin that represents some member of Mr. Jackson's family.
A. I don't know.
Q. Were you aware that someone had defaced this mannequin.
A. Yes.
Q. All right. And did you examine the mannequin to see the portion that was, in fact, defaced.
A. Yes.
Q. All right.
I'd like to have I think it's 5033. This was marked for identification previously with another witness, Your Honor.
THE COURT: It was.
MR. SANGER: I'd like to approach the witness, if I may.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. Let me show you 5033, and ask you -- let me -- let me go back here to ask you a question, if I may.
Showing you 5033, does that appear to be the portion of the mannequin that was defaced.
A. Yes. 2335

Q. Basically -- and let me ask, is that -- does that appear to be an accurate depiction of the actual subject matter.
A. Yes.
MR. SANGER: Your Honor, I'd move 5033 into evidence.
THE COURT: It's admitted.
MR. SANGER: May I approach to retrieve it.
THE COURT: Yes.
Q. BY MR. SANGER: Now, does it appear that somebody defaced this with a marking pen of some sort.
A. Yes.
MR. SANGER: All right. Your Honor, I'd like to publish this, if I may.
THE COURT: You may.
Q. BY MR. SANGER: Standing -- and I'm going to turn it first so you can see the evidence -- exhibit tag, and then I'll show this here.
So it looked like somebody had drawn in -- drawn this in on this particular doll; is that correct.
A. It appears that way, yes.
Q. Did you find out who did that.
A. No.
Q. You interviewed the Arvizos a number of times, the Arvizo children, Star, Davellin and Gavin, correct. 2336

A. Correct.
Q. Did you ever ask them if they did this.
A. No.
Q. Excuse me one second.
Did you ever have occasion to go up to
the --
Your Honor, if you wanted to hit the light,
that would be okay. Thank you.
Did you ever have occasion to go up to the
administrative office for the ranch.
A. Yes.
Q. And the administrative office of the ranch
is up on the hill -- well, there are a lot of hills
there. But anyway, let's try it this way.
The administrative office for the ranch is
not in the residential complex we just described
down below; is that correct.
A. Correct.
Q. It's up on a hill, right.
A. Yes.
Q. And it's a working office, correct.
A. Appears that way, yes.
Q. There's secretaries or assistants -- there's
a couple of executive offices of some sort.
A. Yes.
Q. Okay. It's actually a metal building,
something you'd see on a ranch, I suppose; is that
right. 2337

A. I didn't take notice.
Q. Okay. And there's actually a fire department there. There's a bay with a fire truck there.
A. Yes.
Q. All right. Now, in the administrative office, when you're up there, did you have occasion to see -- on November 18, to see the pile of materials that had been sent by fans within the last five to seven days.
MR. SNEDDON: Your Honor, I'm going to object. It assumes facts not in evidence and lack of foundation as to the date.
THE COURT: Sustained.
MR. SANGER: Okay.
Q. I'm talking about November 18, 2003, the -- is that when you were at the administrative office.
A. No.
Q. Oh, I see. When were you at the administrative office.
A. The last search warrant, which was in December of '04.
Q. Okay. All right. That's fine. You were part of the group that came to Mr. Jackson's house early in the morning on December - what was it - 3rd of 2004; is that correct.
A. I'm not specifically sure on the date. But 2338

it was December of ‘04, yes.
Q. All right. It was a Friday, was it not.
A. Yes.
Q. And what time did you arrive.
A. I believe it was around nine o’clock, maybe ten o’clock in the morning.
Q. Did you arrive at the first -- with the first car on that occasion.
A. Yes.
Q. Okay. And Mr. Jackson and his children were in residence there, in their house at that hour.
A. That was my understanding.
Q. Nobody called ahead to say, “We’d like to come out to your ranch and look at things”.
A. Not to my knowledge.
Q. And how many people showed up that day from law enforcement, or associated with your search.
MR. SNEDDON: Your Honor, I’m going to object as beyond the scope of direct examination and relevance.
THE COURT: Are you saying that none of the seizures that he was testifying to on direct occurred on December 4th.
MR. SNEDDON: That’s correct, Your Honor. And I didn’t ask any questions about December.
MR. SANGER: The question was the materials received from fans. And this is evidently when he saw them. 2339

MR. SNEDDON: Well, no.
THE COURT: The question you asked was, “How many people showed up on that search.” I’ll sustain the objection.
MR. SANGER: Okay.
Q. At some point, you went from the house area up to the administrative building; is that correct.
A. In 2004.
Q. December of 2004, the Friday, which --
A. Correct.
Q. -- could be the 3rd.
Okay. And when you went up to the administrative office, did you search the administrative office.
A. No.
Q. Did somebody search it.
A. I don’t believe so.
Q. Were you given something from the office voluntarily.
A. No.
Q. When you were up there and you went through the office, did you see a large pile of materials, of things, sent to Mr. Jackson from all over the world.
A. No.
Q. Okay. Let me --
If I may, Your Honor, I’d like to show that Exhibit 72, which shows the door to the closet. 2340

THE COURT: All right.
MR. SANGER: And that's been received.
Q. Okay. You indicated that that was the stairway that goes up to Mr. Jackson's upper bedroom area, correct.
A. Correct.
Q. And what we're talking about, this is the door to his downstairs area; is that correct.
A. Yes.
Q. And just to the left of that, there are bookcases; is that correct.
A. Yes.
Q. And to the right of that, along the outside of that wall, there were piles of books; is that correct.
A. Yes.
Q. All right. And around the piano, behind the piano, there are bookcases. The piano's on the other side of the wall in that room; is that correct.
A. I'm not sure if there was a bookcase.
Q. And there were books piled up around and near the piano; is that correct.
A. I don't know.
Q. All right. And besides books, there were magazines, reading material of all sorts all over the place, right.
A. Correct. 2341

Q. All right. Now, where you -- where you put your initials there on the door, that is a long, walk-in kind of closet, correct.
A. Yes.
Q. And there were quite a number of items stored specifically in that closet; is that correct.
A. Appeared so, yes.
Q. Again, memorabilia, photographs, boxes, all sorts of things, right.
A. Yes.
Q. And there was also clothing in there, correct.
A. Yes.
Q. All right. Now, what I want to do is go to a question that Mr. Zonen -- Mr. Sneddon had asked you if you did these interviews.
And, Your Honor, we can turn the light on, if you want.
And, in fact, there were interviews which were done of the Arvizo children on 7-7-03, July 7, '03, correct.
A. Correct.
Q. And you participated in that interview; is that correct.
A. Yes.
Q. You interviewed Davellin, Star and Gavin on that day; is that correct.
A. Correct. 2342

Q. And that's tape-recorded.
A. Yes.
Q. And you have transcripts of the tape, correct.
A. Yes.
Q. And then there were follow-up interviews on 8-13-03. You participated in those; is that correct.
A. Yes.
Q. And again, you interviewed all three of the children at that time; is that correct.
A. Yes.
Q. You then had the search, which was November 18 of '03, correct.
A. Yes.
Q. And then there was some brief interviews on November 26, '03; is that correct.
A. I don't -- I don't remember that date specifically.
Q. Well, do you remember a date in November. Was it the day of the month or you don't remember doing it at all. Did I say 26th or 25th. In any event, November 25th.
A. Of 2003.
Q. Of 2003.
A. Interview with the children.
Q. With Gavin and with Star that were tape-recorded and transcripts made. 2343

A. I'm not sure.
Q. Okay. Would it help if I showed you a transcript to see if that refreshes your recollection.
A. Yes.
Q. Take a look at that. My question was, were you there. I'm showing you a transcript of an interview.
And I believe Detective Robel indicated he was there, if that helps you.
A. I don't recall this interview.
Q. Were you advised of that interview at all by Detective Robel.
A. I would have to read it further.
Q. Take your time.
A. He may have briefed me on the interview. I don't think he got into detail.
Q. All right. In any event, so what you're saying, you may or may not have known that there was an interview. You think you probably were told.
A. Correct.
Q. And you don't think you were there.
A. I don't believe so.
Q. Okay. The next interview was January the 19th, 2004; is that correct.
A. Correct.
Q. And you were at that one.
A. Yes. 2344

Q. And who was at that interview.
A. Deputy District Attorney Ron Zonen. I believe District Attorney Tom Sneddon.
Q. And who else.
A. Lieutenant Jeff Klapakis. Sergeant Robel. The Arvizo children.
Q. All right. Did Sergeant Robel stay for the entire interview.
A. I do not believe so.
Q. Okay. Did you stay for the entire interview.
A. Yes.
MR. SANGER: All right. May I retrieve my book, Your Honor.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. Now, at the time of this interview, let's say before January 19th, had you ever seen the rebuttal video.
A. I don't believe so.
Q. All right. And this interview process started with a showing to the Arvizo children of the rebuttal video; is that correct.
A. Yes.
Q. And before it was shown to them, they were -- let me withdraw that.
Before the rebuttal film was shown to them, the Arvizo children were told what they were about 2345

to see; is that correct.
A. Yes.
Q. And after the film was shown to them, they were then interviewed on tape; is that correct.
A. Correct.
Q. And Mr. Sneddon actively participated in the interview; is that right.
A. I do not believe so.
Q. Okay. We'll come back to that. I want to direct your attention to Davellin's interview first, if I may. And in Davellin's interview, she was asked, in general, how they could have responded the way they did in this rebuttal film based on the allegations that they were making, correct.
A. Yes.
Q. And specifically Davellin was asked about the hand-holding. Remember that.
A. Vaguely, yes.
Q. Do you remember the scene in the rebuttal video where Janet Arvizo doesn't appear to know that she's even on film and she says, "Hey, hey, get this, get this. Get us holding hands just like Bashir," and everybody kind of joins in as to what a good idea it is. Do you remember that.
A. Vaguely.
Q. All right. And do you recall asking her -- did anybody ever talk to you or talk to Gavin and your mother that they should hold hands together, 2346

1 “Gavin and your mother during this,” and then it’s
2 unintelligible.
3 Remember that question.
4 A. Yes.
5 Q. And Davellin says, “Oh, yeah, they --
6 because they -- they wanted to -- because the fact
7 that they did the Bashir thing, they wanted my mom
8 to do it so it could erase what they saw of
9 Michael.”
10 Remember that.
11 A. Yes.
12 Q. And later, as she was asked, she was asked
13 about the part of the video where they are calling
14 Michael Jackson “daddy” and talking about him as
15 “daddy” and his family. Do you remember that.
16 A. Yes.
17 Q. And her explanation for that was that Frank
18 and Dieter told them to do that; is that correct.
19 A. Mainly Dieter is my recollection.
20 Q. Okay. Primarily Dieter. But you remember
21 her talking about Frank as well, “Frank told us,”
22 and “Dieter told us” at one point, too.
23 A. I recall mainly she mentioned Dieter.
24 Q. Okay. Now, did you interview the kids
25 independently, or were they all sitting there
26 together.
27 A. Independently.
28 Q. They were all sitting there together to 2347

watch the film, though, correct.
A. Correct.
Q. And you didn't record what they said during the film while the film was being played for them, did you.
MR. SNEDDON: Your Honor, I'm going to object. Assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Did they say anything while the film was being played.
A. No.
Q. Nothing at all.
A. They were instructed not to talk to each other.
Q. All right. On the -- when you talked to Gavin -- let me withdraw that for a second. Before they saw the film, they -- the Arvizo children, Gavin and Star in particular, had been confronted before that -- before they saw the film, they had been confronted by law enforcement as to the fact that there was a film in which they appeared to be very happy with Michael Jackson, correct.
MR. SNEDDON: Your Honor, I'm going to object to the use of --
MR. SANGER: I'll withdraw it. We won't say "confronted." We'll say they were advised. They were asked. 2348

THE WITNESS: I'm sorry, could you repeat the question.
Q. BY MR. SANGER: The Arvizo children, particularly Gavin and Star, were asked about the rebuttal film before they saw it.
A. I'm not sure.
Q. Okay. And when you just briefly reviewed the Gavin transcript there from 11-25-03, was there any question asked about a rebuttal video at that time.
MR. SNEDDON: Your Honor, I'm going to object to the question. He said he doesn't believe he was present.
MR. SANGER: Okay.
THE COURT: Sustained.
Q. BY MR. SANGER: Were you advised that -- before they saw the video on -- you're the detective, one of the lead detectives in this case, right.
MR. SNEDDON: Asked and answered.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. When you're sitting there on January 19th, 2004, with Mr. Sneddon, Mr. Zonen and the other people, including your lieutenant and your sergeant, you are concerned about what these kids are going to say about this video, correct. You want to know what they have to say. 2349

A. Yes.
MR. SNEDDON: Object. That's compound.
THE COURT: Sustained.
MR. SANGER: Okay.
MR. SNEDDON: Move to strike the answer.
THE COURT: Stricken.
Q. BY MR. SANGER: You wanted to know what they had to say about the video, right.
A. Yes.
Q. And so as the investigator, one of the lead investigators at that time, you were aware that the fact that the video had been discussed with at least Gavin and Star -- I'm not talking about Janet Arvizo. That's another subject. But as to the children, it's been discussed with at least Gavin and Star the fact that there was a video where they portrayed themselves of being very supportive of Michael Jackson. That was discussed with them before --
THE COURT: This question is just going on and on.
MR. SNEDDON: Move to strike.
THE COURT: Start over.
MR. SANGER: Let me start over, okay.
Q. Did you discuss -- let me withdraw that. Were you aware that the Arvizo children had discussed with law enforcement the fact that there was a rebuttal video before they showed up on the 2350

19th to watch it.
A. I don't believe I was aware.
Q. So you thought this was just cold, outside the box; nobody had ever talked to them about it.
MR. SNEDDON: Your Honor, that's argumentative.
THE COURT: Sustained.
Q. BY MR. SANGER: When you say you weren't aware, was it your belief at that time when they sat down that they weren't even aware you had a rebuttal video.
A. I don't know what they were aware of and what they were not aware of.
Q. Well, as an investigator, the state of mind of the subject that you're interviewing is important, is it not.
MR. SNEDDON: Object; argumentative.
THE COURT: Overruled.
THE WITNESS: Maybe I should clarify that.
THE COURT: No, you should just answer the question. Do you want the question read back.
THE WITNESS: Please.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. SANGER: Okay. Now, when Gavin was asked about the video, after he saw the rebuttal video on January 19, 2004, he said that Dieter had told them what to say; is that correct. 2351

A. Yes.
Q. And he also said that 99.9 percent of what was shown on the rebuttal video was not true -- or let me rephrase that. 99.9 percent of what was said on the rebuttal video was not true; isn't that correct.
A. That is not correct.
Q. All right. You don't have a copy of this with you, do you.
A. I may have.
Q. I think you attached it to one of your police reports. If it's not handy, I'll show you mine.
A. It may take me some time to find it. If you have it handy, that would be more efficient.
Q. All right. I think it was -- let me -- I'll just show you mine.
May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: I'm showing you page 12. And you're welcome to read before and after, whatever you want to do, but I'm kind of directing your attention there to the middle of that page. I'd like you to read that. And then after you're through, tell me if that refreshes your recollection as to what Gavin said.
A. Okay.
Q. Okay. And that refreshes your recollection. 2352

A. Yes.
Q. And he said, “Like 99 percent of the things weren’t true”; is that correct.
A. That Dieter, or “they,” were telling them what to say on the rebuttal video. Not what was said on the rebuttal video. What they were told to say.
Q. And what they were told to say was the same they said they were saying. They were claiming it was the same thing that they said, was it not.
MR. SNEDDON: Object as argumentative.
THE COURT: Do you understand the question.
THE WITNESS: Well, I don’t know the exact specifics of what Dieter told them to say prior.
Q. BY MR. SANGER: The question -- you’d be asking questions about the calling Michael “daddy” and saying they were members of his family, and they were -- all of those things were the subject matter of what you were asking about, correct.
A. Correct.
Q. And he said Dieter told him to say it, right.
A. Of the things to say, yes.
Q. And he said 99.9 percent of that wasn’t true, right.
A. Yes, he does say that, to what Dieter told him to say.
Q. All right. Never told you Dieter told him 2353

to say anything that he didn't say, did he. He
didn't say, "Dieter told me the moon's made out of
blue cheese, but I wouldn't say it".
A. No.
Q. All right. Now, on another issue in this
same interview -- well, let's set the stage by going
back to the 7th of July interview. And let me ask
you in general.
During the -- during the three interviews
that you had conducted -- and there was a fourth
one, the 11-25-03, but you don't know about that
other than what you've seen, so I'll exclude that.
Of the three interviews, July, August and
January, was Gavin consistent as to when he claimed
the acts of molest that he was alleging had
occurred.
A. Yes.
Q. In July, he said, "It was one of the last
days that I was staying at Neverland," correct.
A. Something to that effect. I believe so,
yes.
Q. Okay. And in August, he was not clear as to
whether it was before or after the DCFS interview,
correct.
MR. SNEDDON: Your Honor, I'm -- I'm going
to object, Your Honor. That --
THE COURT: Sustained. It's a conclusion.
Calls for a conclusion. 2354

MR. SANGER: All right.
Q. Let's just go to the January 19th, 2004 --
okay. In January of 2004, did he tell you that he
was sure as to the dates when the molest occurred,
the alleged molests.
A. That he was sure.
Q. Yes.
A. No.
Q. And at that time, he said he didn't know
whether it was before or after DCSF, but that, "You
guys would know." Remember him saying that.
A. That's not what he said.
Q. Okay. What did he say.
A. He was asked -- and this is my recollection.
He was asked of when the molestations occurred, and
if they could have been prior, or if they were prior
or after the DCFS interview. And he said, "I think
so," period. That's my recollection.
Q. He thought so, that they were prior to it,
before it.
A. I think so.
Q. He said, "I think so." And then he said,
"You guys would know," right.
A. No. He said we would know to when the DCFS
interview occurred.
Q. Okay. So you're interpreting that as, "You
would know when DCFS occurred".
A. Correct. 2355

Q. He didn't say, "You guys would know when the DCFS interview occurred".
A. He indicated that we would know when the DCFS interview occurred.
Q. Okay. So he said he thought it could be prior, could be before.
A. The molestations occurred.
Q. Yes.
A. He said he thought so.
Q. He thought so.
A. Yes.
Q. All right. And then you also interviewed Star on that same occasion, on January 19th; is that correct.
A. Yes.
Q. And once again, Star's answer, after he saw the video, was that Dieter told him to use terms such as "father" and "humble"; is that correct.
A. Yes.
Q. And at that time you didn't ask him about using those terms before he ever met Dieter, did you.
A. No.
Q. At that time were you aware that Star and the rest of the family had sent cards to Michael Jackson in 2001 calling him "father," talking about him being part of their family, using all those same terms that are on the video. 2356

A. Can you repeat the question.
MR. SANGER: Could we have that read back.
THE COURT: All right.
(Record read.)
THE WITNESS: I know cards were sent. I do not know the dates of when those cards were sent.
Q. BY MR. SANGER: Did you ask him about those cards.
A. Personally, I don't think so.
Q. So you didn't say, "Well, Dieter told you to say this, but you also said this in the cards". You didn't ask him about that subject matter.
A. No.
Q. Were you aware that the family used that same language in dealing with other people such as Louise Palanker.
MR. SNEDDON: Can I object as to vague as to the "same language". Because there's a number of different terms.
MR. SANGER: Okay. "Mommy" instead of "daddy."
THE COURT: Sustained.
Q. BY MR. SANGER: Were you aware that they were calling Louise Palanker "mommy" and saying they were part of her family --
A. No.
Q. -- using the same kind of language. Did you recently learn that. 2357

A. No.
Q. Are you still on this case.
A. Yes.
Q. Okay. Let me have just one second, Your Honor.
Let me go one more time to the interview on January the 19th. And do you remember Mr. Sneddon actually asking questions in that interview, or making comments in that interview.
A. Which interview. Of which interview.
Q. Of Gavin. Yes, of Gavin.
A. I --
Q. January 19th, 2004, interview of Gavin. Sorry.
A. I do not recall.
Q. Okay. Do you recall whether or not Mr. Sneddon expressed concern in the presence of Gavin, the complaining witness in this case, about why he made these kinds of remarks on the rebuttal video.
A. I do not recall.
Q. Do you recall whether or not Gavin responded to Mr. Sneddon, to Mr. Sneddon's remarks.
A. I do not know.
MR. SANGER: Okay. May I approach, Your Honor.
THE COURT: Yes.
MR. SNEDDON: What page are you talking about, Counsel. 2358

MR. SANGER: 13.
Q. I'm going to show you page 13, but you can read the whole thing if you want. Do whatever you want. I'm going to ask you if it refreshes your recollection about the exchange between Mr. Sneddon and Gavin Arvizo.
A. Okay.
MR. SANGER: May I retrieve the book, Your Honor.
Q. Does that refresh your recollection.
A. Yes.
Q. Before I ask you about what was said, let me put this in context.
As an investigator, when you're interviewing a witness, you're supposed to get information. You're not supposed to convey to the witness what you would like them to say, correct.
A. Yes.
Q. Do you recall now, having refreshed your recollection, that Mr. Sneddon said, "So, in your mind, one of the things that you're thinking is, they're doing this video that they want you guys to do, that if you ever told them the truth about being molested by him, that nobody would believe you". Remember that question.
A. Yes.
Q. And then Gavin Arvizo says, "Yeah, that they would use that and say that we're lying. That's 2359

what I think they used it for. I think that's why they told us to say all those things in the tape. They told us it was for -- they told us it was for so they could release the tape out to the media for rebuttal for what they were all saying, but I don't think -- they were, like, kind of forcing us to say those things. 99.9 percent of the things they were telling us to say weren't even true."
So -- and then the answer ends.
Was that what Mr. Sneddon said and what Gavin Arvizo said in response.
A. Yes.
Q. And at that point in the interview, as the investigator in the case, it was your understanding that what Gavin Arvizo was saying at that point is that he was claiming he was molested before the rebuttal, and that this was to -- the rebuttal was to cover up a molest; is that correct.
A. No.
Q. Well, that's what Mr. Sneddon was asking, wasn't it. "If you ever told the truth about being molested by him, that nobody would believe you".
MR. SNEDDON: Your Honor, that calls for a conclusion on the part of the witness. It's --
THE COURT: Sustained.
MR. SANGER: All right. Excuse me one second.
Q. You may need to look at this again, so I'll 2360

let you do that if you need to. But just so we're clear on that -- and Mr. Mesereau was kind enough to direct me on this. Just so you're clear on this, just preceding this exchange with Mr. Sneddon, the question was asked, "The acts of molestation, had they already begun by the time you did this video."

MR. SNEDDON: I'm going to object to this as asked and answered. He's just reading. There's no question pending.

THE COURT: No, I'm going to allow him to read that. I assume it's the preface to a question.

MR. SANGER: Right.

THE COURT: Go ahead.

Q. BY MR. SANGER: And I think you did refer to this, but to put it in context, the question: "The acts of molestation, had they already begun by the time did you this video; do you know.

"A. I think so."

And then:

"Q. Within hours after doing the video was that meeting with the workers from the Child Protective Services. Is that how you remembered it, or you're not certain.

"A. I don't know. I'm not sure it happened -- whether it happened before or after. You guys probably would know that date."

That's what I had asked you about before. Is that all accurate. 2361

A. Yes.
Q. And then immediately following that, Mr. Sneddon says, “So, in your mind, one of the things you’re thinking is, they’ve done this video that they want you guys to do so that if you ever told them the truth about being molested by him, that nobody would believe you,” correct.
A. Correct.
Q. And then Gavin Arvizo essentially adopts Mr. Sneddon’s interpretation.
A. It was -- that question asked by Mr. Sneddon was a clarification of an idea that was given to us by Gavin prior to that.
Q. So that he was molested before the video, and the video was done in order to negate any claim that he was molested.
A. No.
Q. And you understand that other times, Gavin Arvizo has claimed that the molest occurred at the end of his stay at Neverland, not in early February or mid-February, correct.
A. Are you asking my understanding. I’m sorry, could you repeat the question.
Q. Well, let me clarify it, if I may. Other times, you told us July 7th, he said it was right at the end of his stay. That would have been March, correct.
A. Correct. 2362

Q. And you don't know what he testified to here in court.
A. No.
Q. You weren't here.
All right. Now, let me go back to the beginning of your involvement in this case. You said you started in June, June the 13th of 2003, correct.
A. Correct.
Q. When you took over this case, it already had a case number; is that right.
A. Yes.
Q. Now, case numbers are assigned in the sheriff's department for each new case, correct.
A. Correct.
Q. In other words, just because a person was involved in a case doesn't mean that person will have the same number, either as a suspect or reporting party or anything else, correct.
A. Correct.
Q. A case number is assigned when a case is open, when an investigation is open on a particular subject matter, right.
A. Correct.
Q. And it's your understanding that Terry Flaa, Detective Terry Flaa, had been assigned to go investigate this case when it was first opened, correct. 2363

A. Yes.
Q. Terry Flaa at that time, in fact, was the lead investigator on the case; is that correct.
A. I believe so, yes.
Q. You -- he -- let me withdraw that. He filed a report saying that there was no criminal activity; is that right.
A. Correct.
Q. And that report was filed on April the 16th of 2003, correct.
A. I'm not sure of the date.
Q. It was filed sometime before you got involved in the case, right.
A. Yes.
Q. Okay. And then June 13th you requested his police reports and files; is that correct.
A. Yes.
Q. Did you ever talk to Detective Flaa.
A. Yes.
Q. When did you talk to him. Well, did you ever talk to him about this case.
A. I don't believe so.
Q. All right. So you took over the case and requested his reports, but you never talked to him about the case.
A. Correct.
Q. And then about a month after you got involved in the case, Sergeant Robel was brought in; 2364

is that correct.
A. No. He was brought in right away.
Q. “Right away,” meaning what. The 13th, 14th of June, or sometime later.
A. I don’t know. You’d have to ask him. I don’t remember.
Q. Well, we did. But do you recall.
A. No.
Q. All right. When you were first assigned to the case, you were the lead investigator in the case; is that correct.
A. Correct.
Q. And eventually when Sergeant Robel was brought in, he was then designated as the lead investigator.
A. Co-lead.
Q. So you and he were co-lead investigators.
A. Correct.
THE COURT: All right. Let’s take our break.
(Recess taken.)
THE COURT: Go ahead.
MR. SANGER: Are we to assume that somebody brought food for the Court. Just a joke.
THE COURT: The people in the back of the room didn’t hear your joke.
MR. SANGER: Ahh. Having risked my life once on that joke, I think I’ll let it go, if that’s all right with the Court. 2365

A VOICE FROM THE AUDIENCE: Ahh.
MR. SANGER: All right. May I proceed, Your Honor.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. All right. So before the break, just to pick up where we left off, you indicated you were appointed as an investigator on this case June the 13th of 2003, correct.
A. Yes.
Q. And then Sergeant Robel, sometime after that, came in as co-lead investigator, correct.
A. Correct.
Q. And you told us you did not call Terry Flaa to gain the benefit of what he had done on the case; is that correct.
A. I did say that before the break. But I thought about it, and I believe I may have spoken with him.
Q. You may have. Do you know if Sergeant Robel spoke to him.
A. I don't know.
Q. Okay. And Detective Flaa was still working for your department in June of 2003, correct.
A. I'm not sure.
Q. And he had -- and again, I don't mean any offense, but he had considerably more experience as a detective than you had at that point; is that 2366

1 correct.
2 A. Yes. He'd been in the division a lot longer
3 than I had.
4 Q. And he also had quite a bit of specialized
5 training in sexual offense cases; is that correct.
6 A. That's my -- that's what I believe, yes.
7 Q. Okay. And he eventually, by the end of the
8 year or so, he left the sheriff's department,
9 correct.
10 A. Yes.
11 Q. And then he went to work at the Santa Maria
12 Police Department; is that correct.
13 A. Correct.
14 Q. Okay. During that year, or I'm sorry, half
15 a year while he was still at the department, did you
16 and Sergeant Robel consult with him on this case.
17 A. Together, do you mean.
18 Q. Independently or together.
19 A. I can't speak for Sergeant Robel, but I
20 believe I may have talked with him, yes.
21 Q. You may have talked with him. Do you recall
22 consulting with him on this case.
23 A. Not specifically, but I may have.
24 Q. Okay. And he found that there was no
25 criminal activity, right.
26 A. Correct.
27 Q. And he was pretty much out of the picture
28 after that; is that correct. 2367

A. Yes.
MR. SANGER: Okay. No further questions.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Zelis, I actually have just one question. And I want to direct your attention back to Mr. Sanger's examination about Gavin's response to my question on the day that you were interviewing him. Do you recall that.
A. Yes.
Q. Do you recall, that report in front of you, is that with the one you took a long time to find.
A. Yes.
Q. All right. At the time -- let me ask you a question. If you don't remember the answer, I'll allow you to look at it and you can refresh your recollection.
Mr. Sanger didn't finish reading the rest of the questions and answers, but at the time that Gavin made that statement, was he talking about something that he believed at the time that the rebuttal was made or something that he was reflecting back on.
MR. SANGER: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Based -- based on Gavin's 2368

1 statement during that conversation, was he
2 indicating that that was his current belief as to
3 what happened or that was his state of mind at the
4 time that the rebuttal film was made.
5 MR. SANGER: I still object. That calls for
6 speculation.
7 THE COURT: Sustained.
8 MR. SNEDDON: Judge --
9 THE COURT: You can have him state what he
10 said, not what his conclusion is.
11 MR. SNEDDON: All right. I was trying to do
12 it -- all right. I'll do that.
13 Q. Question by me: "Did you think that at the
14 time, or that that's what you think now, now that
15 you see it.
16 "A. No. That's what I think now, when I
17 see it, everything."
18 Was that his statement to you at that
19 time --
20 A. Yes.
21 Q. -- in relationship to the question Mr.
22 Sanger had brought to your attention that I asked
23 him earlier.
24 A. Yes.
25 Q. That was the question and answer that
26 preceded the entire conversation.
27 A. Correct.
28 MR. SNEDDON: Nothing further. 2369

RECROSS-EXAMINATION
BY MR. SANGER:
Q. All right. Just so we're clear, because we had the words "preceded" and so on there, what Mr. Sneddon just read to you, you were following in the transcript; is that correct.
A. Not at the same time, no.
Q. Oh, okay. Then during the break he reviewed this with you; is that correct.
A. No.
Q. Did you see this during the break.
A. You let me read it.
Q. Pardon.
A. I believe you let me read it.
Q. Okay. Okay. So maybe I didn't ask that question correctly. Mr. Sneddon, during the break, let you read that part of the transcript.
A. No.
Q. What are you talking about. You said he let you read it.
A. No, I said, "You let me read it."
Q. Oh, okay. I didn't let you read it during the break.
A. No.
Q. But if you'd asked, I probably would have, but -- all right. During the break, did you discuss that with Mr. Sneddon at all.
A. No. 2370

Q. All right. So he got up there and he asked you about these comments preceding the comments that he made; is that right.
A. Yes.
Q. These comments did not precede the comments that Mr. Sneddon made, did they.
May I approach the witness.
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to show you the transcript.
MR. SNEDDON: That's what I was trying to do.
Q. BY MR. SANGER: What Mr. Sneddon just read to you came after the exchange between Mr. Sneddon and Gavin; is that correct.
A. May I --
Q. You can look at whatever you want to look at in there.
A. It is after the question by Mr. Sneddon to Gavin.
Q. And after Gavin gave his explanation about, "Yeah, that's what they were doing, and it was 99.9 percent of it was not true." Right.
A. Correct.
Q. And then what Mr. Sneddon read followed that; is that correct.
A. Correct.
MR. SANGER: Okay. I have no further 2371

1 questions.
2 May I approach to retrieve my book.
3 MR. SNEDDON: No questions, Your Honor.
4 THE COURT: Yes.
5 All right. You may step down. Call your
6 next witness.
7 MR. SNEDDON: Detective Alvarez.
8 THE COURT: All right. When you get to the
9 witness stand, please remain standing. Face the
10 clerk and raise your right hand.
11
12 VICTOR M. ALVAREZ
13 Having been sworn, testified as follows:
14
15 THE WITNESS: I do.
16 THE CLERK: Please be seated. State and
17 spell your name for the record.
18 THE WITNESS: My name is Victor M. Alvarez.
19 A-l-v-a-r-e-z.
20 THE CLERK: Thank you.
21
22 DIRECT EXAMINATION
23 BY MR. SNEDDON:
24 Q. Detective Alvarez, you're a deputy sheriff.
25 A. That's correct.
26 Q. How long have you been a deputy sheriff.
27 A. About 25 and a half years.
28 Q. And you're a detective now, correct. 2372

A. That's correct.
Q. How long have you been a detective.
A. Five and a half years.
Q. And did -- some point in time, did you get assigned to work as one of the detectives on the investigation into the child molestation charges against the defendant in this case, Mr. Jackson.
A. Yes, I did.
Q. Do you recall when it was that you were assigned.
A. I think it was approximately one week before the initial search warrant.
Q. And do you remember what month and year that would have been, then.
A. It would have been November of 2003.
Q. During the course of your time as a detective on this particular case, were you asked to obtain some rolled fingerprint impressions from the Arvizo boys.
A. Yes.
Q. Do you remember when you did that. Just generally the month and the year.
A. I would imagine it was three or four months ago.
Q. All right. Let me show you an exhibit. It might help.
(Off-the-record discussion held at counsel table.) 2373

Q. BY MR. SNEDDON: I've handed you an exhibit marked 287 for identification purposes. Do you recognize that exhibit.
A. I do.
Q. When and where was the first time you saw that exhibit.
A. When I sealed it, and when I rolled these fingerprints.
Q. And you were the one responsible for rolling those prints.
A. That's correct.
Q. Where were you when you rolled them.
A. At the Arvizo home.
Q. And the prints contained in that exhibit are the prints of both boys.
A. That's correct.
Q. All right. And then you sealed and booked it into evidence.
A. I did.
MR. SNEDDON: Your Honor, I move that be admitted into evidence, People's 287.
MR. SANGER: No objection.
THE COURT: All right. It's admitted.
Q. BY MR. SNEDDON: All right. Let's go back a little bit in time to prior, at the time that you were assigned to the case.
Were you involved in the execution of the search warrant on November the 18th of 2003 at 2374

1 Neverland Valley Ranch.
2 A. Not -- I was assigned to do an interview
3 prior to going to the ranch.
4 Q. And did somebody go with you to that
5 interview.
6 A. Yes.
7 Q. Who was that.
8 A. Detective Bonner.
9 Q. And where did the interview take place.
10 A. At the Santa Maria Sheriff's Department
11 Substation.
12 Q. And who did you meet there.
13 A. Jesus Salas.
14 Q. And did you videotape that conversation.
15 A. We did.
16 Q. And do you speak Spanish.
17 A. I do.
18 Q. Mr. Salas speaks Spanish.
19 A. He speaks English pretty good. But if there
20 was a word that he didn't understand or was stuck on
21 a word, I translated for him.
22 Q. Now, after you completed your conversation
23 with Mr. Salas on the 18th -- by the way, we didn't
24 establish everything, but what time was it when you
25 made contact with Mr. Salas.
26 A. We called Mr. Salas, or we were to meet with
27 Mr. Salas, it was a prearranged meeting, at 7:00 in
28 the morning. 2375

Q. Did Mr. Salas know what the purpose of the meeting was.
A. No.
Q. And did you meet him at 7:00.
A. If it wasn't at 7:00, it was very close to 7:00, shortly thereafter.
Q. After you finished your conversation with Mr. Salas, what did you do.
A. We left the Santa Maria substation and went to Neverland Ranch.
Q. When you say "we," who was with you.
A. Detective Bonner.
Q. And do you remember about what time it was when you got to the ranch.
A. Close to ten o'clock.
Q. And when you arrived at the ranch, were you assigned any particular responsibilities at that time.
A. Yes, I was.
Q. What responsibilities were you assigned.
A. To help with the interview of the Neverland employees.
Q. And after you completed that, were you given any other assignments.
A. Yes.
Q. And what assignments were those.
A. To search -- to help continue the search of Mr. Jackson's master bedroom. 2376

Q. And do you recall approximately what time it was when you became involved in those activities.
A. I'd say about 11:00 or 11:30 in the morning.
Q. During the course of the time that you were there, did you seize some items that were eventually booked into evidence.
A. I did.
Q. Do you remember the first thing that you found.
A. Yes.
Q. And what was that.
A. They were some books containing adult material that were located near the bathtub in the master bedroom -- or master bathroom.
Q. All right. Anything else that you found that day that you eventually seized.
A. Yes.
Q. What else.
A. A black computer bag that would be for a laptop, the name was Targus, T-a-r-g-u-s, that contained adult videos and adult magazines.
Q. And where was that located.
A. That was located on the floor in the master bathroom next to the sink area, so it would be in between the sink and the round bathtub.
Q. All right.
MR. SANGER: What's the number.
MR. SNEDDON: I'm putting that on there now. 2377

Your Honor, I have a large brown paper bag with the numbers “03-5670” at the top in black. I’ve shown the bag and its contents to Mr. Sanger for his examination. I’d like to show it to the witness.

THE COURT: All right.

MR. SANGER: I guess the question was, did it have an exhibit number.

MR. SNEDDON: I beg your pardon. 288.

Q. Would you take a look at the item contained in People’s 288. Do you recognize that.

A. I do.

Q. And when and where was the first time you saw that item.

A. I saw it in the master bedroom -- I’m sorry, in the master bathroom downstairs area on the floor next to the sink.

Q. Now, when you obtained that item, what did you do with it after seizing it.

A. Prior to seizing it, I opened it up and saw the material that was inside.

Q. All right. And then what did you do with -- did you take the materials out or did you leave them inside.

A. I left them in, and I sealed this bag and the big evidence bag.

Q. All right. So it was then booked into evidence. 2378

A. The whole thing was, yes.
Q. Okay. Move that People's 288 be admitted into evidence, Your Honor.
MR. SANGER: No objection. Obviously, other than prior objections.
THE COURT: Right.
MR. SANGER: May that remain unstated.
THE COURT: Yes.
MR. SANGER: Thank you.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: I'm going to show you a photograph, and that photograph has been marked as People's 57 for identification purposes, and ask if you recognize that photograph.
A. I do.
Q. And are the areas depicted in that photograph an accurate depiction as you saw it on the morning of November the 18th, 2003.
A. Yes.
MR. SNEDDON: Move that be admitted into evidence, Your Honor.
MR. SANGER: I have no objection.
THE COURT: All right. It's admitted.
THE BAILIFF: Your Honor, would you hit the button.
MR. SNEDDON: Your Honor, we're going to need the Elmo.
THE COURT: Yes. 2379

Q. BY MR. SNEDDON: All right. People's 57 is up on the board. Do you recognize that photograph.
A. I do.
Q. All right. Could you show the ladies and gentlemen of the jury where the bag, People's 288, was the first time that you saw it on November 18th, 2003.
A. It would be right here. Can you see. It would be right there.
Q. All right. You're indicating at the base of the cabinet just below the big speaker.
A. Right. Here's the sink. There's the bag. And the tub is over here somewhere.
Q. All right. Go ahead and sit down, if you want.
Now, we can put the lights back on, Your Honor, for right now.
All right. Are you okay.
Your Honor, I'll describe for the record what we've just done with counsel. We've marked for identification three items. The first item is a small brown bag with some white paper on it, with the number 0-3-5670, and has on it the Exhibit 565. Exhibit No. 566 is a large plastic bag, which has a white binder, and it has the number "Item 309-B-1" on the front of it.
And the last item is Item 3 -- I'm sorry, Item 567. That's another white, clear plastic bag, 2380

and with -- containing a white binder with the number “Item 309-B-2” on it.
In addition to that, Your Honor, I have --
in addition to that, Your Honor, I’ve shown counsel two photographs. The first one I’m going to have marked as 289 for identification purposes, and the second one I’m going to have marked as 290 for identification purposes.
Madam Clerk, is that okay.
THE CLERK: Yes.
Q. BY MR. SNEDDON: Why don’t you go ahead and take that bag, the black bag, Exhibit 288, and put it back in there, if you would.
All right. Let’s start with the smallest of the bags, the brown bag there, and the number on that is 289.
A. It says “565.”
Q. Oh, 565. I’m sorry. You’re right. We already pre-numbered those. Different numbering system. Okay, 565.
A. Okay.
Q. And with regard to that particular item, do you recognize it.
A. I do.
Q. And when and where was it the first time you saw it.
A. Inside the black computer bag.
Q. Okay. 2381

A. Actually, the contents were inside the black computer bag.
Q. The brown bag wasn't.
A. But the contents were, right. Correct.
Q. Why don't you take the brown bag out -- or take the contents out.
A. Yes.
Q. All right. Now, do you recognize those items that you just pulled out.
A. I do.
Q. And how do you recognize them.
A. Just from reading the contents, the outside package of them.
Q. Do you recall those are the ones you found inside of the Exhibit 288.
A. Yes.
Q. And were you -- were you the one responsible for placing them into that envelope and booking them into evidence.
A. Yes.
MR. SNEDDON: All right. I move that the contents of 565, the bag and the contents, be admitted into evidence.
THE COURT: It's admitted.
MR. SNEDDON: All right. Let me have those for a second.
Your Honor, we're going to need the lights down. 2382

Q. With regard to 565, there are two videos inside and I'm going to show the first one. Just go ahead and show it.
Now, is that one of the exhibits that you found inside that black briefcase.
A. Yes.
Q. All right. Why don't you show the other one.
A. Can you see.
THE JURY: (In unison) Yes.
MR. SNEDDON: Probably don't want to.
Q. Is that the other one that you found.
A. Yes.
Q. All right. Thank you.
By the way, inside of that briefcase, do you recall whether you found any documents or indicia of belonging to Mr. Jackson.
A. I don't recall.
Q. Okay. We'll get back to that.
Now, let's take the clear plastic bags that are in front of you, okay. And let's talk, first of all, about the one that is marked as 565 for identification purposes. Do you see that.
A. No, I see 290 and 289.
Q. No, not the --
A. I'm sorry.
THE COURT: 565 is the one you just showed.
THE WITNESS: 567. 2383

THE COURT: Go ahead.
MR. SNEDDON: I'm sorry, Your Honor.
THE WITNESS: I have 567 and 566.
MR. SNEDDON: All right. My sheet's wrong.
Q. All right. Let's talk about 566 first.
Now, with regard to -- there's a photograph
up there in front of you that goes with that binder,
correct.
A. Yes.
Q. You can flip it over on the other side to
match up the number.
A. Okay.
Q. Is that correct.
A. Yes.
Q. And the photograph is exhibit what.
A. 289.
Q. All right. Now, is 289 an accurate
depiction of the front cover of the Exhibit 566.
Take it out and look at it, if you want to.
A. Yes, it is.
MR. SNEDDON: Move that 289 be admitted into
evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: And with regard to the
Exhibit 566, that's the item that you found in the
bag and that was also booked into evidence; is that
correct.
A. That's correct. 2384

Q. And you were responsible for that.
A. Yes.
MR. SNEDDON: All right. I move that 566 be admitted.
MR. SANGER: I'm going to object to 566. It's been placed in a binder, and there's -- there's not an adequate foundation for the exhibit as offered right now.
THE COURT: All right. Sustained.
MR. SNEDDON: Okay. That's not a problem.
Q. Okay. Why don't you put that back in the bag.
Let's turn to 567.
A. Okay.
Q. And there's a photograph that goes with 567. And what's the number on that. 290.
A. 290.
Q. All right. Now, with regard to the Exhibit 567, where was that the first time you saw it.
A. Inside the black computer bag.
Q. The one that's in evidence as 288.
A. Yes.
Q. All right. And were you responsible for booking that into evidence.
A. I was.
Q. Now, at the time that -- that you booked that particular item into evidence, was it in a binder like that. 2385

A. No, it wasn't.
Q. It was still all together.
A. Like a normal paperback magazine.
Q. Okay. Now, take a look at the Exhibit 290, the photograph.
A. Yes.
Q. Is the Exhibit 290 an accurate depiction of the front cover of the Exhibit 567.
A. It is.
MR. SNEDDON: Move that 290 be admitted into evidence, Your Honor.
THE COURT: It's admitted.
MR. SNEDDON: Ron. Would you scoot that down so we can see. All right.
Q. Detective Alvarez, the exhibit marked as 289, is that the exhibit that you found inside of 288.
A. Yes.
Q. Is that the condition of the magazine at the time that you seized it.
A. Yes.
Q. All right. Let's put up 290. And was this the other magazine you seized.
A. Yes, it was.
Q. And was that the condition of the magazine at the time you seized it.
A. Yes.
Q. All right. Thank you. 2386

(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Okay.
MR. SANGER: Yeah.
MR. SNEDDON: In addition to that, Your Honor, I have -- I'll identify this in just a moment.
THE COURT: All right.
MR. SNEDDON: Or I can do it now, if it makes it easier.
I have a brown paper bag with the number "304" in black letters in the upper right-hand corner. And that's been marked as People's 562, the brown and its contents. "The brown." The bag.
And then there is a clear plastic bag, Your Honor, that contains two exhibits. One is a white -- another plastic bag with a white binder with the number "563" on it, and the number "Item 304-C" on the outside.
And the next item has been marked as 564, and it's another white binder with "Item 304-D" on it, Your Honor.
And then I have three exhibits that I'd like to have marked. The first one is -- is a photograph marked as 291. The second one is another photograph that has the number "304-C" on it, and that is 292.
And the last photograph is 304-D, and that will be 293. 2387

Do you want to look at these.
MR. SANGER: I think I know what they are,
but let me look at them.
MR. SNEDDON: Okay.
MR. SANGER: Yeah.
Q. BY MR. SNEDDON: And maybe you could -- I'll
take these back, actually. How's that.
Okay. Detective Alvarez, let's start with
the brown bag, if we could. That, I believe, is
Exhibit 563.
A. 291. Brown bag is 291. Or, I'm sorry, 562.
Q. 562, all right. Do you recognize the bag.
A. I do.
Q. And how do you recognize it.
A. I booked this into evidence.
Q. All right. Would you open the bag up and
take out the contents.
All right. Do you recognize the contents.
A. I do.
Q. And when and where was that. Where did you
see that for the first time.
A. In the master bed -- master bedroom bathroom
in between the sink and the tub, on the floor area.
Q. And is that one of the items you collected.
A. I did.
Q. Now, there is a photograph.
A. Yes.
Q. 291. Do you see that. 2388

A. I do.
Q. And is that photograph an accurate depiction, or does it accurately depict the cover of the exhibit --
A. Yes.
Q. -- 562.
A. Yes.
Q. And is the exhibit, 562, the magazine you've taken out of the brown bag, in the same condition that it was at the time that you seized it on November 18th, 2003.
A. Yes.
MR. SNEDDON: All right. I move it be admitted, Your Honor.
THE COURT: It's admitted.
BY MR. SNEDDON: All right. Let's move -- if I didn't, Your Honor, I'd like to move that 291 be admitted, the photograph.
THE COURT: It's admitted. Okay.
Q. BY MR. SNEDDON: Now, if we can move to the next exhibit, one of the -- either one of the binders is fine. Take whatever one you have. Tell us an exhibit number on that one.
A. 564.
Q. And does that have an item number on it, on the front of the binder.
A. Item number is 304-D.
Q. 304 -- 2389

A. “D” as in “David.”
Q. Okay. Now, you have a photograph up there.
A. Yes.
Q. That’s 293, I believe.
A. 293.
Q. Okay. Would you compare 293 with the front cover of the Exhibit 564.
A. It’s the same.
Q. And what’s -- and that’s 293, correct.
A. Yes.
Q. The photo. And is that --
A. 293.
Q. Is that an accurate depiction of the cover of the Exhibit 564.
A. Yes.
Q. Now, with regard to the Exhibit 564, at the time that you first saw it and the time that you seized it, was it in the condition that it is in now.
A. No.
Q. And when you seized it and placed it into evidence, what was the condition of that particular item that we’ve had identified as Exhibit 564.
A. It was in a regular paperback magazine condition.
Q. Okay. All right. Let’s -- you can put that one back in the bag, if you’d like.
And if you’d keep the photograph, 293, with 2390

1 it, that would be great.
2 Now, let's direct your attention to the last
3 exhibit that you have up there.
4 A. Okay.
5 Q. And the number on that is what, on the
6 plastic bag with the --
7 A. Okay. The item number is 304-C --
8 Q. Okay.
9 A. -- as in "Charles."
10 Q. And what's the exhibit number.
11 A. 563.
12 Q. Okay. Now, with regard to that particular
13 exhibit, there is a photograph up there, correct.
14 A. Yes.
15 Q. 292.
16 A. 292.
17 Q. Would you comapre the photograph, 292, with
18 the front cover of Exhibit 563.
19 A. Okay.
20 Q. And is it an accurate depiction of what that
21 cover looks like.
22 A. Yes, it is.
23 Q. And with regard to that particular exhibit,
24 563, was that exhibit in a binder when you first
25 found it.
26 A. No, it wasn't.
27 Q. What was its condition at the time that you
28 seized it and booked it into evidence. 2391

A. It was a regular paperback magazine condition.
Q. Hand me the photographs, the three photographs, if you would. And go ahead and put that back in the bag.
All right. We're going to display the exhibits on the board. We're going to start with 291. It's in evidence.
Is that an accurate depiction of the book at the time you first saw it and seized it.
A. Yes.
Q. At least the cover.
A. Yes.
Q. All right. Go ahead, you can -- that's 293, correct.
A. Yes.
Q. And is that an accurate depiction of the book when you first saw it and seized it.
A. Yes.
THE COURT: 292 and 293 haven't gone into evidence yet. You didn't ask for them.
MR. SNEDDON: I do, then, Your Honor. I apologize. I get so routine about them.
THE COURT: All right. 292 and 293 are admitted.
MR. SNEDDON: All right. So did we --
THE COURT: Go ahead.
MR. SNEDDON: Was 292 already up. 2392

MR. ZONEN: Yes.
MR. SNEDDON: All right. Let's do the last one, 293, then.
MR. ZONEN: 293 was the last one. 292 is the one before it.
MR. SNEDDON: We're going to do 292 now.
Q. Do you recognize that.
A. I do.
Q. Is that the condition of the magazine at the time that you seized it.
A. Yes.
Q. And I say -- by "that," I mean the Exhibit 292.
A. Yes.
Q. That's depicted in that.
A. Yes.
Q. All right. Thank you.
When you seized the bag, 309 --
A. Yes.
Q. -- okay. - did you go through the contents of the bag or did you just --
A. Yes, I did. I opened it up, and I saw what was inside.
Q. Did you go through the paperwork in the bag.
A. I went through everything that was in that bag.
Q. Okay. Let me -- and -- I guess I have to ask you to take that bag out again. 2393

Your Honor, for purposes of the record, I want to indicate that I've withdrawn a document from Exhibit 309. I want to show it to counsel before we move to the next step, but it did come out of the exhibit. It's 288, I'm sorry.

THE COURT: 288.

MR. SNEDDON: Yes, sir. So if you'd just hang on to that.

Your Honor, I'd like to have the document marked as 294 for identification purposes.

THE COURT: All right. I'll need you to bring that over to the clerk here.

MR. SNEDDON: May I go this way, Your Honor.

THE CLERK: He has a tag, Judge.

THE COURT: Oh, he has a tag.

MR. SNEDDON: Yes, she gave me some ahead of time, Your Honor.

THE COURT: I didn't know that. Go ahead.

MR. SNEDDON: And I've shown this document to counsel.

Q. Detective Alvarez, with regard to the document I just handed you, Exhibit 294, was that document inside the bag, 309, at the time that you seized it on November the 18th, 2003.

A. Yes.

Q. And is it in the same condition now as it was when you saw it for the first time inside that bag. 2394

A. It sure looks like it, yes.
MR. SNEDDON: All right. Move that be admitted into evidence, Your Honor.
MR. SANGER: I'm going to object on the grounds that it violates a current order on a pending matter, if that makes sense.
THE COURT: I don't have the document, so --
MR. SNEDDON: You don't have it.
MR. SANGER: Should I approach, Your Honor.
THE COURT: Just hand it to me. You don't need to approach.
MR. SNEDDON: I'm sorry, Your Honor.
THE COURT: I'll sustain the objection pending further ruling on that issue.
MR. SNEDDON: May I have the officer testify at least showing indicia of the ownership of the bag.
THE COURT: Oh. For that purpose.
MR. SNEDDON: That's why I was offering it.
THE COURT: That's the only purpose you're offering it.
MR. SNEDDON: At this point in time, pending the Court's ruling, that's why I'm offering it.
THE COURT: All right. Just limit his testimony to that part of the document that would do that.
MR. SNEDDON: Yes, sir.
Q. Now, the document that's in front of you 2395

that's 294 --
A. Yes.
Q. -- is it addressed to Mr. Jackson.
A. It is.
Q. And it's a multi-page document, correct.
A. Yes.
Q. Does each page bear the initials "MJ" on it.
A. On all 12 pages.
MR. SNEDDON: No further questions, Your Honor.
MR. SANGER: May I approach to retrieve the exhibits.
THE COURT: Yes.
MR. SANGER: Thank you.
MR. SNEDDON: Here's some of them.

CROSS-EXAMINATION
BY MR. SANGER:
Q. All right. Let's start with your background, if I may, Detective Alvarez. You were a deputy marshal.
A. Right.
Q. How many years.
A. Well, it was from '83 to '97.
Q. Okay. And your duties as a deputy marshal were to be a bailiff in the Municipal Court in the South County, in Santa Barbara.
A. For, yeah, that, and serve warrants, 2396

evictions, civil process.
Q. Okay.
A. Criminal warrants.
Q. And then after the courts consolidated, the Municipal Court consolidated with the Superior Court, you opted to become a deputy sheriff; is that correct.
A. We were absorbed as a -- one department.
Q. Okay. So when the courts consolidated, the marshal then -- the marshal's office consolidated.
A. Correct.
Q. And the deputy marshals then became deputy sheriffs; is that right.
A. Yes.
Q. All right. And at that point you began working as a detective immediately.
A. No.
Q. You were on patrol for a while.
A. Well, I went to -- I became a background investigator. I actually had a knee injury that put me out on light duty for about six months. And I continued to work, and I was -- I worked in personnel as a background investigator. I went -- once I was cleared by my doctor, I went back to work in the courts for -- so --
Q. For a while, okay. And when you say "personnel investigator," you were doing background checks for people who were applying to work at the 2397

sheriff's department.
A. That's correct. New hires.
Q. All right.
A. And also, I was helping in the detective bureau doing interviews and -- just helping out.
Q. All right. There you go. In any event, I guess my question is, when did you become a detective.
A. November of '99.
Q. Okay. So as of the time of the case that we're talking about here, the -- let me withdraw that.
When did you become involved in this case.
A. Approximately a week before the initial search, which was November 18th of 2002.
Q. How about November 18th of 2003.
A. 2003.
Q. Okay.
A. Correct.
Q. I don't want to talk you into anything, but --
A. A year and a half ago.
Q. Okay. So -- and you started as a detective in November of '99, right. So you had four years as a detective at the time you were assigned to this case.
A. Approximately.
Q. All right. 2398

A. I've got over five years as a detective now, and I've been on this case for about a year and a half.
Q. Okay. So that would be about four years, right.
A. Sounds good to me.
Q. Okay. And you remained -- after you were brought into the case, you remained as one of the main detectives on this case; is that correct.
A. That's correct. One of the lead investigators.
Q. So you're a co-lead investigator with Detective Zelis and with Sergeant Robel.
A. And Detective Bonner, yes.
Q. And Detective Bonner. All right. Okay. Now, let me ask you -- let's just start again somewhat at the end of things. You were aware, were you not, sir, that the events in this case were alleged to have occurred in February and March of 2003; is that right.
A. Yes.
Q. And so in November of 2003, you get assigned to the case and eventually you end up out at Neverland Valley Ranch during the search, correct.
A. Yes.
Q. I'm going to ask you -- in fact, what I might do is just approach -- well, let's do it this way. Let me put it up, if the Court doesn't mind. 2399

Are we hooked up to this.
MR. ZONEN: Go ahead.
MR. SANGER: These were 293 and 292.
Q. 292 is a “Penthouse” magazine of some sort, right.
A. Yes.
Q. And that’s commercially available, correct.
A. Yes.
Q. It’s also not unlawful to possess it, in and of itself, correct.
A. No.
Q. I said “correct.” I’m sorry. Is it lawful to possess it, for an adult to possess this magazine.
A. For an adult, yes.
Q. Okay. There you go.
All right. And you’re aware that the alleged incidents, the incidents were alleged to have occurred in February and March of 2003, right.
A. Correct.
Q. What’s the date on this magazine.
A. I can’t read it from here. It’s --
Q. Okay. May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: I can bring you the magazine, but I think you can see it on the exhibit here.
A. I still can’t read that. 2400

Q. All right. Let me bring you the book that goes along with that.
May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to bring you the books here, and we'll talk about these a little more in a minute.
I'll ask you, if you look at that --
Let me stand here for one second, Your Honor, and make sure.
THE COURT: Yes.
MR. SANGER: Okay.
Q. Okay. That's the actual magazine. What's the date of the magazine.
A. I don't see a date on it.
Q. You don't see a date on it.
A. I don't.
THE COURT: You can go up and show where it is.
Q. BY MR. SANGER: Look right under the "SE" in "Penthouse."
A. Okay.
Q. Does it say "July-August of 2003".
A. It does.
Q. So is it safe to say, to your knowledge, as one of the co-lead investigators, no individual associated with this case, none of the Arvizos claimed that they saw this particular magazine in 2401

1 February or March of 2003.
2 MR. SNEDDON: Your Honor, can I object to
3 that question as being compound. Because -- I won't
4 say anything else, but I object as compound.
5 THE COURT: Sustained.
6 MR. SANGER: All right.
7 Q. To your knowledge, did -- well, this may be
8 compound. I'm going to ask about them as a group.
9 You can say "yes" or "no," and we can take it one by
10 one.
11 To your knowledge, did any of the Arvizos
12 claim that they saw this magazine in February or
13 March of 2003.
14 A. This particular one.
15 Q. Yes. That particular one.
16 A. I don't know.
17 Q. As a detective, an investigator, you would
18 suspect that they would not have seen it, correct,
19 since it was published after the events.
20 MR. SNEDDON: Your Honor, I'm going to
21 object to that. It calls for a conclusion as to
22 when it was published. No more. I object. Lack of
23 foundation as to when the magazine actually hit the
24 stands.
25 THE COURT: Sustained.
26 MR. SANGER: All right.
27 Q. Based on your experience, do magazines hit
28 the stands, you know, three or four months before 2402

1 their publication date.
2 A. No.
3 Q. Sometimes it's a month before a publication
4 date.
5 A. I'd say a month. If you're a subscriber,
6 you usually get them a month early.
7 Q. All right. And I'm going -- I brought you
8 the other book, just in case you can't read this.
9 But I'm going to put up 293, if I may, Your Honor.
10 THE COURT: Yes.
11 Q. BY MR. SANGER: And again, this is a
12 commercially available magazine; is that correct.
13 A. Yes.
14 Q. And you can buy it in a store, in other
15 words.
16 A. Some stores.
17 Q. Yes. Well, not every store, I would agree.
18 What's the date on this magazine.
19 A. July 2003.
20 Q. While you have those books up there, you
21 notice that the books -- I'm going to take another
22 one out of the bag here, just as an example, just to
23 follow on, but you notice that the books are encased
24 in a three-ring binder, and then each page appears
25 to be in some kind of plastic sleeve; is that
26 correct.
27 A. That's correct.
28 Q. And did you do that. 2403

A. I did not.
Q. Let me ask you about the magazine -- I think you may still have the actual magazine up there, but I have 291, which is 562. Put it this way, 562 is the actual magazine. 291 is the copy of the cover. Oh, here it is.
A. I have 564 and 563, Mr. Sanger.
Q. You're right, it's over here. In any event, I'm going to put this up, if I may, 291, Your Honor.
291 is a book, correct.
A. Yes.
Q. That's a cover of the book that you seized; is that right.
A. That's correct. Soft-cover book.
Q. And the actual book is a book of illustrations done by an artist, is that correct, or by artists.
A. Yes.
Q. All right. And that is also a commercially available publication. Is that a commercially available publication.
A. It appears to be.
Q. All right. And it's not illegal to possess that per se.
A. No.
Q. Now, excuse me one second.
(Off-the-record discussion held at counsel 2404

1 table.)
2 Q. BY MR. SANGER: You did the prints that were
3 marked as Exhibit 287, right.
4 A. Yes.
5 Q. Okay. And you -- to take those
6 fingerprints, you simply rolled the fingerprints.
7 A. They weren't done with a machine. But the
8 palm prints were done with a roller.
9 Q. Okay. Say that again, because I couldn't
10 hear what you said.
11 A. You're looking at the fingerprints
12 themselves.
13 Q. Fingerprint cards.
14 A. Those were done by hand.
15 Q. So you actually rolled the prints.
16 A. Yes.
17 Q. You had --
18 A. There's a technique, but, yes.
19 Q. Okay. And you are not a certified
20 fingerprint examiner; is that correct.
21 A. Not examiner, no.
22 Q. All right. You, however, have experience in
23 booking people and rolling their prints, right.
24 A. Booking a lot of people and booking a lot of
25 prints.
26 Q. All right. But you know the difference
27 between that and being a certified fingerprint
28 examiner, of course. 2405

A. Yes.
Q. Okay. Now, going back to your testimony about going through the house, you got there and started your assignment of searching through the house at some time late morning, I think you said it was around 11:00.
A. I think I got there at -- I think we interviewed Mr. Salas for about two hours. And driving time from Santa Maria to Los Olivos, another, I don't know, half hour, 40 minutes. So it was close to 10:00 when we got there.
Q. All right. And then --
A. Or a little after 10:00.
Q. Okay. And your first assignment was to do something else other than search.
A. Yes.
Q. So what I'm getting at, is when you started to assist in the search, that was around 11:00.
A. Could be.
Q. All right. And by the time you got there to search, quite a number of officers had already been through the house; is that correct.
A. There were -- excuse me. There were a lot of officers in the house, but not in Mr. Jackson's master bedroom area.
Q. How many officers were in Mr. Jackson's master bedroom area when you first arrived there.
A. Could have been two or three maybe. 2406

Q. When you --
A. To start.
Q. When you say “master bedroom area,” you’re talking about the whole suite, the first floor, second floor, the bathrooms, all that.
A. Yes, I’m talking about down the corridor area where the secure door is.
Q. All right. And you believe there are two or three officers there when you arrive.
A. No, when I started assisting.
Q. Well, that’s what I meant. When you arrived to assist. When you started assisting on the search.
A. Yes, there wasn’t a whole lot of detectives in that area.
Q. All right. Were you joined by other officers or other law enforcement people in that room as the time went on.
A. Yes.
Q. How many people were in there. How many different people were in there while you were there.
A. Throughout the day.
Q. Yes.
A. I -- there was quite a few detectives in there, and forensic people, yes.
Q. And Mr. Sneddon came through at one point, did he not.
A. He did. 2407

Q. All right. Did Mr. Franklin go through that area of the house.
A. He did.
Q. Before you got there -- by “there,” I mean, you started your search detail. Do you know how many officers had gone through that area.
A. I can’t tell you an exact number, but I know it was very limited, because that was the instructions.
Q. Okay. So if people followed the instructions, it would have been limited; is that correct.
A. “If people followed the instructions,” I didn’t hear your second half.
Q. It would have been limited; is that correct.
A. Yes.
Q. And you’re aware there was a cameraman and a number of detectives who went through the area before the search started itself; is that correct.
Well, let me put it this way: I guess that’s part of the search. Before the actual seizures of items commenced, a cameraman and detectives walked through the area; is that right.
MR. SNEDDON: Your Honor, I’m going to object as lack of foundation.
THE COURT: Sustained.
Just a minute. My feed’s not working.
THE REPORTER: I know, Judge. We’re working 2408

on bringing it back up.
THE COURT: All right. Go ahead.
Q. BY MR. SANGER: When you located this black bag that you referred to - and you've got it up there. I believe it's Exhibit No. 288 - it was in the position that you indicated to the jury on the photograph, correct.
A. Yes.
Q. And about what time of day did you locate that black bag there.
A. I can't recall the exact time.
Q. Did you note it in a report.
A. It might be on the bag when it was booked in.
Q. Do you have the bag there or -- if it helps refresh your recollection.
A. That looks right.
Q. Now, having looked at that, do you have a recollection of when you located that bag.
A. It says two o'clock in the afternoon.
Q. Okay. But the question is, did that refresh your recollection as to approximately when you located it. About two o'clock.
A. It's hard to say. Probably -- I was there from eleven o'clock, starting the search, to 11:30 that night, so somewhere between 11:00, I would say, and early afternoon.
Q. All right. Do you have Exhibit 294 up 2409

there.
No, you don't. It's here.
Do you remember Exhibit 294.
May I approach to show him.
A. Yes. The paperwork.
Q. The paperwork. All right.
The paperwork is -- without going into the
contents of it, it's addressed to Michael -- it's a
letter addressed to Michael Jackson, care of a
company in Los Angeles; is that correct.
A. Yes.
Q. And then it's also addressed to two other
entities of some sort, two other entities.
A. Right.
Q. So it appears to you, from the letter, that
it's the kind of letter that went out -- or is a
letter that went out to three different recipients;
is that right.
A. Yes. It's addressed to three different
people, it looks like, on the front page.
Q. Okay. And there's no indication by way of a
check mark, or a circle, or anything else, as to
which copy this was; is that correct.
A. No, I don't believe so.
Q. All right. In the exhibit that's marked
Exhibit 565, there's two videos; is that correct.
A. Yes.
Q. Or there are two video cases; is that 2410

1 correct.
2 A. Right.
3 Q. And one of the video cases does not have a
4 video -- I mean, it doesn't have a CD in it, or
5 whatever, DVD; is that correct.
6 A. That's correct.
7 Q. There's no contents is what I'm trying to
8 say.
9 A. It's an empty case.
10 Q. And you didn't find that video anywhere in
11 your search, did you.
12 A. I personally did not.
13 Q. That also -- that appears to be a
14 commercially prepared -- or commercially, yeah,
15 prepared video of some sort; is that right.
16 A. Yes.
17 Q. Okay. And nothing unlawful about owning
18 that video.
19 A. If you're over 18.
20 Q. If you're over 18.
21 The other one, entitled "Believe It or Not,"
22 appears to be a Leisure Time Europe video; is that
23 correct.
24 A. I remember the front of it. I don't know
25 anything about Leisure Time Europe.
26 Q. Okay. And this particular video -- okay.
27 Mr. Zonen is trying to bring me up to date
28 here. 2411

A. Okay.
Q. He's reminding me it's a DVD, not a video.
But all right. I suppose it's a video captured on a
DVD, but we could both be right. But I accept that
assistance.
May I approach the witness, Your Honor.
THE COURT: Yes.
MR. SANGER: Thank you.
Q. I'm going to ask you about this. And put on
your glasses, if necessary, reading the fine print
down there.
A. I don't have my glasses.
Q. These won't help you. Can you see it.
A. No.
Q. Can't see it.
Do we, by any chance, have a magnifying
glass, or does somebody have reading glasses. I
have bifocals, and I don't want to --
Are these reading glasses. We've got some.
We'll find out how well they work. I should get a
waiver on practicing optometry.
A. I can read it now. It's still really small,
but I can read it.
Q. Okay. Didn't get any bigger, but you can
read it. All right.
On that disk, does it say when the disk was
released.
A. Well, it says July 3 of 1995. 2412

Q. No, that's not when it was released. That's
something to do with the -- it's not in front of me,
but it has something to do with the law.
A. I'm still reading.
Q. Right down at the very end.
A. "Which was produced on 1-22-03 and released
on 3-27 of '03. Printed in the USA."
Q. All right. To your knowledge, as a co-lead
investigator in this case, to your knowledge, no
witness has identified either one of those videos or
video boxes; is that correct.
A. Per name, no.
MR. SANGER: Hang on one second.
All right. I have no further questions.
Oh, wait. Wait one second.
Q. One of my colleagues pointed out something.
Let me ask you about this. And I may have to
approach for this purpose.
May I do that, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to show you 294,
which again has not been received into evidence.
There's been limited testimony about it. I'll take
these back.
A. Okay.
Q. What is the date of that letter.
A. May 1, 2003.
Q. Okay. Thank you. 2413

All right. I have no further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: I think I'll let the jury step out early. I have a couple of things to take up with the attorneys before we take our break, so you get a longer break right now.
THE JURY: (In unison) Thank you.
THE COURT: But no pizza.
THE JURY: (In unison) Ahh.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. The jury is out of the room.
The first thing I wanted to take up with you is the -- the prosecution has asked for a little more time to respond to the motion -- points and authorities on George Lopez evidence, which I had asked them to have in by today, I think.
So I'm not quite sure what -- how much more time did you want.
MR. ZONEN: Your Honor, is it the case that the Court requests of Mr. Blancarte, who's the 2414

attorney --
THE COURT: No, no, I'm not addressing that.
They can't hear you in the back here.
I just want to know how much time you need
to respond. I know what you said.
MR. ZONEN: This is on the issue of Lopez.
THE COURT: Get to the microphone.
MR. ZONEN: I'm sorry. The answer is a
couple days after we received --
THE COURT: I don't know about receiving it.
It's not conditional on that. I'd like you to
respond to the points and authorities.
MR. ZONEN: Then we can have it within two
days.
THE COURT: All right. Friday.
MR. ZONEN: Yes, Your Honor.
THE COURT: All right. I'll extend that
time.
MR. SANGER: Is there going to be a date for
a hearing on that, Your Honor.
THE COURT: We're just going to fit it in.
It wasn't a formal motion. I asked you -- or you
volunteered a little more points and authorities,
and I'm not treating it as some date. I want to
read what you say, and if I want to hear any more
from you, I'll let you know.
MR. SANGER: All right.
THE COURT: The second thing is the issue of 2415

the request by the People to respond -- to have their 1108 hearing. And did you just get that today.
MR. MESEREAU: Just got it, yes, Your Honor.
THE COURT: I'm going to treat this the same way. It's not a motion, you know. It's something in abeyance; when are we going to have it; and they're asking, "Can we have it sooner than later." And I want to give you a couple of days to respond. How much time do you need.
MR. MESEREAU: Let's see, today's Wednesday. Could we -- we would certainly need through the end of the week.
THE COURT: Through Friday.
MR. MESEREAU: Could we -- could we file it Monday, Your Honor.
THE COURT: They're asking to do it next week, so I don't think that's right. We could handle it orally. I mean, it's not a thing that even needs written points and authorities. The question is, when is the right time to hear it. I want to give you a chance to file something.
MR. MESEREAU: I appreciate it. Today's -- I guess we could file something Friday, Your Honor.
THE COURT: Okay. Bring it in with you --
MR. MESEREAU: Okay.
THE COURT: -- when you come in.
MR. MESEREAU: As far as the hearing goes, is the Court contemplating a hearing where they 2416

simply call witnesses, or do we get a chance, if we choose, to put on our own witnesses to attack their credibility.
THE COURT: Well, I said that they definitely have to call witnesses. Then -- and I'm really going to be judging their evidence. But I would consider an offer by you.
MR. MESEREAU: Okay. For example, Your Honor, there's some witnesses --
THE COURT: You don't need to -- I can imagine the example already. You don't need to go into it.
MR. MESEREAU: Okay.
THE COURT: I guess the answer is maybe, depending on what I hear and what your offer of proof is then. And let me look at -- in the meantime, I'll look at the law, if you want to give me anything on that.
It is unusual to have opposing evidence at a hearing like that, but I'm not sure it's not -- I'm not sure that that means that that's not what we should do.
MR. MESEREAU: You could at a hearing, for example, put on witnesses that say, "They told me the opposite," or "They have a reputation for lying," that type of thing.
THE COURT: I see. I expected you to be talking about credibility issues. 2417

MR. MESEREAU: We have one Judge's order certified from another trial that --
THE COURT: This is not the time to argue. But I will take under consideration what you're suggesting. All right.
MR. SANGER: There was one other matter that is still floating - if I could just click my computer once. Thank you - and that was the issue you were going to take up on Thursday, which --
THE COURT: That's the George Lopez.
MR. SANGER: No, there was the motions to quash and the remedy, the financial --
THE COURT: Oh, yes. Yeah. They can't hear you in the back. I need the break. I've promised the court reporters not to do this.
MR. SANGER: Just wanted to remind you, that's all.
(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Call your next witness.
MR. SNEDDON: Karen Shepherd.
THE COURT: Come forward, please. When you get to the witness stand, remain standing, raise your right hand and face the clerk. 2418

KAREN SHEPHERD
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Karen Shepherd, S-h-e-p-h-e-r-d.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Okay. Scoot up close to that thing so we can all hear what you have to say. Thank you. You're employed by the Santa Barbara Sheriff's Department.
A. Yes.
Q. And how long have you been with the department.
A. For approximately seven and a half years.
Q. And did you have any law enforcement experience before that.
A. No.
Q. And what is your current assignment.
A. My current assignment is I'm a detective with the Special Operations Division. That started just this Monday. Before that, I was assigned to the Criminal Investigations Division.
Q. And in connection with those responsibilities, 2419

were you assigned to perform some search responsibilities in connection with a search warrant executed on Neverland Valley Ranch on November the 18th of 2003.
A. Yes.
Q. And specifically, do you recall about what time you got there.
A. It was early in the morning before the sun was out. We had a briefing in the Solvang area.
Q. Okay. And you eventually went to the ranch.
A. Yes.
Q. What responsibilities were you assigned at the ranch.
A. I was first assigned to search the main house, the master bedroom and master bathroom area.
Q. And do you recall about what time it was that you started those responsibilities.
A. I believe -- I don't know the exact time. I can estimate maybe 10:00 a.m. is when we started.
Q. Now, in the course of your working and doing this search, what area were you searching.
A. I focused most of my searching in the master bathroom area.
Q. Now, during the course of the time that you were there, did you seize some items for evidence.
A. Yes.
Q. And when you seized an item or items, what was the process you used in order to have them 2420

booked into evidence.
A. If I found an item that I thought was of interest, I would tell either the investigating officer or someone who was in charge. I would take the evidence, if it was something that they wanted, and I gave it to Detective Padilla, who was in charge of seizing and packaging the evidence.
Q. And in some cases were the items photographed in their location.
A. Yes.
Q. All right. Now, I'm going to show you some photographs and ask you some questions about those photographs.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SNEDDON: All right. Do you recognize the photograph, People's 59. It's 59, is it not --
A. Yes.
Q. -- for identification that I placed in front of you.
A. Yes, I do recognize it.
Q. And does it accurately depict the area that it purports to represent.
A. Yes.
MR. SNEDDON: All right. Move that it be admitted into evidence, Your Honor.
THE COURT: It's admitted. 2421

THE WITNESS: I'm going to need it.
MR. SNEDDON: Yes, you are.
Okay. Now, before we get to the overhead, I want to ask you a couple of other questions.
I have a package that's been marked, Your Honor, as People's 569 for identification purposes. It's a brown bag; has Item No. 301 at the top, and inside the bag are five DVDs. I'm withdrawing them from the bag, showing them to counsel, and they're marked 570 through 574 respectively.
Q. Detective Shepherd, I've handed you the exhibit that's been marked as 569, which is the brown bag, and the five DVDs that are marked 70 through 74 respectively. Would you take the DVDs out of the bag and examine them, please.
Do you recognize those.
A. Yes.
Q. And do you recall where they were the first time that you saw them.
A. Yes. They were on top of the television. There's a television that's alongside the Jacuzzi tub and they were stacked on top of the television.
Q. And did you seize those items.
A. Yes.
Q. And did you arrange to have them booked into evidence.
A. Yes.
Q. And are those items in the same condition 2422

now as they were when you seized them.
A. Yes.
MR. SNEDDON: Move that they be admitted into evidence, Your Honor; 69 through 74.
THE COURT: They're admitted.
MR. SNEDDON: Now I'm going to put the overhead on for just a second.
Q. Okay. This is the photograph that you have just identified moments ago as People's 59, which is now in evidence. Do you recognize that.
A. Yes.
Q. All right. I had you pick up a little laser pointer. And could you indicate to the ladies and gentlemen of the jury the location of the Items 570 through 574 at the time that you first saw them.
A. Right there on top of the T.V.
Q. Right on top of the T.V., okay.
Now, at the time that you were out there that day, did you take any other items of evidence.
A. Yes.
Q. What else did you take.
A. Can I use the laser pointer.
Q. Sure. Absolutely. That's what I want you to do.
A. Okay. There was a magazine that contained adult material that I found within this stack of books and magazines. There was another magazine containing adult material which was inside of this 2423

1 metal briefcase. And I also found three books in
2 this plastic bag that contained adult material.
3 Q. Okay. Now, we're going to talk about those
4 in a little bit more detail now, but I think we can
5 turn the lights back on.
6 Okay. I've handed you back the photograph
7 that the jury just saw that was up on the board,
8 People's 59. What I want you to do, there's a black
9 pen right in front of you there, and I'm going to
10 ask you to take the exhibit, People's 59, and I want
11 you to draw a little circle around the area where
12 you found the DVDs that are in People's 570 through
13 574, and right from the circle put a little line,
14 "570 through 574."
15 A. Okay.
16 Q. And would you put your initials by that,
17 please.
18 And what did you put.
19 A. "KKS."
20 Q. "KKS".
21 A. Uh-huh.
22 Q. Okay.
23 (Off-the-record discussion held at counsel
24 table.)
25 MR. SNEDDON: Okay. I think we're ready to
26 go now.
27 Q. All right. We have a brown paper bag which
28 has been marked as People's 576 for identification 2424

purposes, okay. I want to ask you to take a look at that bag, and then I'm going to ask you some questions about it and the contents.
All right. Do you recognize the items that were contained in the bag, 576.
A. Yes.
Q. And when and where were those items the first time that you saw them.
A. They were inside the plastic bag near the bookcase.
Q. And were you the one responsible for taking those and placing them into evidence, having them booked.
A. Yes.
Q. Now, with regard to the item -- the items that you took out are what, three books.
A. Three books, yes.
Q. And those books have individual numbers; is that correct.
A. Yes.
Q. And with regard to Item No. 577, do you see that.
A. Yes.
Q. All right. Now, in front of you are some photographs. Can you mate up the photograph with the -- I believe it's 297.
A. Correct.
Q. Is that correct. 2425

A. Yes.
Q. Is that photograph an accurate depiction of
a book that you seized, which is marked as 577.
A. Yes.
Q. All right. Let's go to the next one, 578.
Do you have that in front of you.
A. Yes.
Q. That's one of the books you seized, correct.
A. Correct.
Q. And with regard to 578, there's a
photograph, 296.
A. Correct.
Q. Is that photograph, 296, an accurate
depiction of the book that you seized, 578.
A. Yes.
Q. And with regard to the next item, which is
579 --
A. Correct.
Q. -- do you see that.
A. Yes.
Q. And 579, there's a photograph marked as 631.
A. Correct.
Q. Is that an accurate depiction of the front
cover of the Item 579.
A. Yes.
Q. All right. Now, with regard to the Items
577, 78 and 79, these are the items that you seized
and then had booked into evidence; is that correct. 2426

A. Yes.
Q. And are they in the same condition now as they were at the time you seized them and had them booked.
A. Yes.
MR. SNEDDON: Your Honor, I move 576 through 579 be admitted into evidence.
THE COURT: All right. They're admitted.
MR. SNEDDON: And I request that photograph 297, 296 and 631 be admitted into evidence.
THE COURT: They're admitted.
MR. SNEDDON: Mr. Zonen thinks I neglected 578. If I did, I'm sorry. It should be 576, 77, 78, 79.
THE COURT: That's what I thought you had requested admission of. I admitted those.
MR. SNEDDON: Thank you.
Q. With regard to the exhibits, 577 through 79, you have the photograph in front of you, People's 59.
A. Yes.
Q. And could you indicate to the ladies and gentlemen of the jury, by placing on that exhibit, the location of the area, the approximate location of where you seized the Items 577, 578 and 579.
A. With a black marker.
Q. Please. If you would.
A. Okay. 2427

MR. SNEDDON: All right. Mr. Zonen.
We're going to need the lights, Your Honor.
Q. Now, on the board is the exhibit marked as People's 296 that's in evidence. Do you recognize that.
A. Yes.
Q. And that's the cover -- that's the photograph that you indicated reflects the cover of that particular item that you seized.
A. Yes.
Q. And by "that particular item that you seized," I'm talking about 578 --
A. Correct.
Q. -- is that correct.
A. Correct.
Q. All right. Thank you.
And 297, the photograph of 297 reflects the front cover of Item 577; is that correct.
A. That's correct.
Q. And those were all seized in that plastic bag.
A. Yes.
Q. And the last one, which is 631, do you recognize that.
A. Yes.
Q. Was that also in the plastic bag.
A. Yes.
Q. And this is Exhibit 631, and it would be -- 2428

1 the actual book itself is 579.
2 A. Correct.
3 Q. Thank you.
4 Your Honor, I have another bag that I've
5 shown to counsel for his examination that I'd like
6 to have marked as 575 for identification purposes.
7 It's a brown bag with the number "#302" at the top.
8 THE COURT: All right.
9 Q. BY MR. SNEDDON: I'm going to hand you --
10 oh, wait. I need to show these to counsel.
11 While we're doing this, if you would simply
12 look at the Exhibit 575, it might save some time. I
13 guess I've already showed it to him.
14 Okay.
15 A. Okay.
16 Q. Now, before we start talking about 575 for a
17 moment, I want to go back. I gave you some
18 photographs, correct.
19 A. Correct.
20 Q. And there's a photograph that shows the
21 Exhibit 570 through 574, correct.
22 A. Correct.
23 Q. And what exhibit number is that.
24 A. 65.
25 Q. And with regard to that particular
26 photograph, is that an accurate depiction of where
27 those items were located at the time that you seized
28 them -- 2429

A. Yes.
Q. -- on November 18th.
A. Yes.
MR. SNEDDON: Move that that photograph,
People's 65, be admitted into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: Okay. Now let's deal with
that bag that I gave you, which is 575. All right.
Do you recognize the bag.
A. Yes.
Q. And do you recognize the contents inside the
bag.
A. Yes.
Q. And with regard to that particular item,
where was it the first time that you saw it.
A. It was within a stack of books and magazines
located on the edge of the Jacuzzi tub.
Q. And were you the one responsible for seizing
it and booking it into evidence.
A. Yes.
MR. SNEDDON: Now, with regard to the
Exhibit 575, Your Honor, which I seek to admit into
evidence at this time --
THE COURT: All right.
Q. BY MR. SNEDDON: Now, there's a photograph
in front of you. It's marked as People's 64 for
identification.
A. That's correct. 2430

Q. I better look at that. That didn't quite look like the right one.
Have I asked you about this one here.
A. No.
Q. Okay. This is the one.
All right. I misspoke myself. Not for the first time today.
People's 62 for identification, do you recognize that.
A. Yes.
Q. And is it an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: I'd move that 62 be admitted into evidence, Your Honor.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: Now, with regard to the exhibit, People's 62, do you see in that exhibit the location where you found the Item 575.
A. Yes.
Q. Okay. Could you take that little magic marker you've got up there again and put a little line to just the general area, and then put a "575" on it.
A. Okay.
MR. SNEDDON: The next exhibit, Your Honor, has been marked as People's 580 for identification. It's a clear plastic bag; has "#306" marked on it, 2431

and it appears to contain a binder. I've shown it to counsel.
THE COURT: All right.
Q. BY MR. SNEDDON: All right. Do you recognize the item depicted in that photograph. I'm sorry, I'm on automatic pilot here.
With regard to the exhibit I just handed you, the item number on that is 580, the plastic bag.
A. Yes.
Q. All right. Now, could you take the binder out of it, if you would, please, and just examine -- there was a brown bag inside of the plastic bag, correct.
A. Correct.
Q. And that's the brown bag that you use for booking evidence; is that correct.
A. Correct.
Q. Now, look at the binder, if you would. Just the front cover.
All right. Do you recognize that item.
A. Yes.
Q. Where was that item the first time that you saw it.
A. It was located inside the metal briefcase that was on the edge of the Jacuzzi tub.
Q. And you opened the briefcase and withdrew the item. 2432

A. Yes.
Q. And did you have a photograph of it taken before you had it booked into evidence --
A. Yes.
Q. -- to document the location of where you found it.
A. Yes.
Q. And I believe there's a photograph in front of you.
A. Correct.
Q. Was that the photograph that was used to document it.
A. Correct.
Q. What number is that.
A. It's Exhibit No. 62.
Q. And is that Exhibit 62 an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Move that People's 62 be admitted into evidence, Your Honor.
THE COURT: I think it already was.
MR. SNEDDON: Is that already in.
THE COURT: It's in.
MR. SNEDDON: Judge, I don't want to show something that hasn't been admitted, and I want to make sure I've got this down correctly before I do it, so I don't want to get at cross-purposes. But as I understand it, People's 65 is in evidence, 2433

People’s 64 is in evidence, and People’s 63 is in evidence.
THE COURT: 62 and 65 are in evidence.
THE CLERK: 64 hasn’t been identified.
MR. SNEDDON: 64 has not been identified.
THE COURT: No.
MR. SNEDDON: But 65 and 63 have been and are in evidence.
THE COURT: No, 62 and 65 are in evidence.
THE CLERK: Just 62 and 65. 63 and 64 have not been identified.
MR. SNEDDON: I’ll take care of that. Thank you.
Q. With regard to the exhibit in front of you, People’s 64, do you recognize that.
A. Yes.
Q. And what is that.
A. It’s adult content magazine.
Q. And is that an accurate depiction of what it purports to represent.
A. Yes.
Q. And what exhibit does that match up to.
What’s the title on that.
First of all, let me do this: Move that it be admitted into evidence, Your Honor.
THE COURT: All right. It’s admitted.
MR. SNEDDON: Man, I can’t find 62.
THE WITNESS: 62 is right here. 2434

MR. SNEDDON: Okay. That's fine.
Q. When I showed you Exhibit 62 and I asked you to make notations on it as to the location where you found Item 575, was that photograph an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Okay, Your Honor. I believe 62 and 64 should now come into evidence.
THE COURT: 64 and 65 are in. And you have not yet identified 63. 62 is in.
MR. SNEDDON: Yeah, I -- this is 63. No, I....
Q. All right. Let's try it again. 63; do you recognize 63.
A. Yes.
Q. And is that an accurate depiction of what it purports to represent.
A. Yes.
MR. SNEDDON: Move that it be admitted, Your Honor.
THE COURT: It's admitted.
Q. BY MR. SNEDDON: I'm going to ask you some questions.
A. Okay.
MR. SNEDDON: Go ahead.
MR. ZONEN: We need the individuals and the video.
MR. SNEDDON: I need the exhibit number on 2435

it, of 65.
Q. With regard to the exhibit People's No. 65,
do you recognize that.
A. Yes.
Q. Is that the location of those items when you
seized them.
A. Yes.
Q. All right. And with regard to People's 64,
do you recognize that.
A. Yes.
Q. And is that the condition of the magazine at
the time that you seized it.
A. Yes.
Q. All right. And People's 63, that's the one
that was inside of the metal case.
A. Yes.
Q. And you took it out and put it on the metal
case and photodocumented it.
A. Yes.
Q. All right. And People's 62 is the one that
you indicated the location of the Item 575.
A. Yes.
Q. All right. Thank you.
All right. I think we can have the lights,
Your Honor.
I have one last exhibit, Your Honor, that
has the number "633" on it. It's a brown paper bag
with the number "315" at the top right-hand corner 2436

in black. I've shown it to Mr. Sanger, and I'll show it to the witness.
THE COURT: All right.
Q. BY MR. SNEDDON: Have you had a chance to examine it.
A. Yes.
Q. Do you recognize the item --
A. Yes.
Q. -- 633.
A. Yes.
Q. And where were those items when you first saw them.
A. I located these items. They were inside the master bathroom closet area. They were inside a black E-Z-Go suitcase located inside this manila envelope.
Q. And you were responsible for taking those and having them booked into evidence; is that correct.
A. Yes.
Q. All right. And are they in the same condition as they were at the time that you seized them on November the 18th.
A. Yes.
MR. SNEDDON: All right. Move they be admitted, Your Honor.
THE COURT: All right. They're admitted.
MR. SNEDDON: And I believe everything is in 2437

evidence, and I appreciate the Court and clerk's help. I have no further questions.

CROSS-EXAMINATION

BY MR. SANGER:

Q. Detective Shepherd, you were assigned -- you were detailed to do this particular work; is that correct.

A. Correct.

Q. You were not assigned as a co-lead investigator, or anything, on this case; is that correct.

A. No.

Q. So a number of detectives and deputies and other personnel were brought to Neverland Ranch on the 18th of November to assist, correct.

A. Correct.

Q. And do you know the approximate number of people that were there.

A. No.

Q. All right. Quite a few, though.

A. Quite a few.

Q. And a number of those people, then, after doing whatever they did, they went on with other assignments and no longer worked on the case; is that correct.

A. Correct.

Q. And that was pretty much your situation; is 2438

that right.
A. Correct.
Q. All right. Now, among the materials -- let me stop for a second. You went through -- as a part of your assignment that day, you went through the master bedroom suite; is that correct.
A. Correct.
Q. What other parts of the premises at Neverland did you go through.
A. I was assigned, after the master suite area, to be the scribe in the office memorabilia room.
Q. All right. So just as far as what you saw - you don't have tell me what you did, but what you saw of the premises - was the main house -- did you see the whole main house.
A. No. I was just in the master suite area.
Q. Okay. Did you see the library, by any chance.
A. No.
Q. Okay. And then you went to the -- to the office, so you saw the office area, which is a building adjacent to the main house, correct.
A. Correct.
Q. Did you go to any other structures while you were there.
A. No.
Q. All right. Now, in the part of the house that you were in, there were books and magazines and 2439

photographs and other items that were pretty much stacked up all over the place; is that right.
A. Correct.
Q. Okay. And among the items that were stacked up there were art books; is that correct.
A. Correct.
Q. History books.
A. I'm sure.
Q. Okay. Do you remember seeing any Black History books, for instance.
A. I don't recall seeing any.
Q. Okay. Did you -- and you saw a lot of memorabilia from different kinds of films or things from The Three Stooges, for instance; is that correct.
A. I don't recall seeing any.
Q. You don't, okay.
Do you recall that there were a number of Three Stooges -- when I'm saying "memorabilia," a number of things that related to The Three Stooges.
A. I don't remember seeing anything related to The Three Stooges.
Q. A number of things related to Shirley Temple, right.
A. I believe so, yes.
Q. A number of things related to Disney and Disney productions, correct.
A. Correct. 2440

MR. SANGER: If we could, Your Honor, I'd like to put 65 up.
Q. Just coincidentally, right under the thing on the right, is something about The Three Stooges, is it not.
A. Correct.
Q. None of the things that you seized were contraband; is that correct.
A. No.
Q. So, in other words, they were lawful for adults to possess.
A. Correct.
Q. All right. And all of what you seized was essentially commercially produced, commercially available material; is that right.
A. Correct.
Q. All right. Now, there were -- when we talked about art books, there were a lot of art and photography books that you saw --
A. Correct.
Q. -- in the various places. And in the office as well, correct.
A. Correct.
Q. And Mr. Jackson is a performer and an artist; is that correct.
A. That's correct.
Q. You're aware that his -- that his likeness is sought by photographers all over the world. Are 2441

you aware of that.
A. No.
Q. Okay. Are you aware that photographers send him their work on a regular basis with the hope that he'll let them photograph him and be his photographer.
A. I'm not aware of that.
Q. None of the items that -- none of the items that you seized -- well, let me withdraw that for a second.
I think I need to look at what you have up there.
So may I approach, Your Honor.
THE COURT: Yes.
MR. SANGER: Why don't I just take it all.
THE WITNESS: Oh, okay.
MR. SANGER: And then I don't have to keep coming back.
Q. Now, I think we talked about books and magazines as being commercially available, books and magazines being commercially available. That's also true of all the DVDs.
A. Correct.
Q. They're something you can buy at the store, correct.
A. Correct.
Q. And you conducted your part of this search on November 18th, 2003, correct. 2442

A. Yes.
Q. And you don't know what, if any of this, was there in the residence in February and March of 2003, correct.
A. No.
Q. One of the items that you actually seized was shown in the picture, 65. G2445 27. And if I may, I'll put that back up here, which is there on that side there.
Are you aware that that is a film that was shown on HBO.
A. At the time that I seized it, I was not. But then I saw it, after the search warrant, on HBO.
MR. SANGER: All right. May I have just a moment, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: All right. Let me ask just a few more questions based on what we were just discussing there.
Do you recall the nature of the various art books that you saw. The other ones. Not the ones you seized.
A. Yes.
Q. And what was the nature of the art books that you saw.
A. One of the books was -- contained children and --
Q. Other than the ones that you seized. 2443

A. Oh, other than the ones.
Q. Other than the ones, yes.
A. The one that I do remember seeing in the office was -- I believe it was pictures of Marilyn Monroe.
Q. Okay.
A. It was a memorabilia book. And that's -- there were a lot of books, so I don't remember a whole bunch of them off the top of my head.
Q. All right. Well, let's take the office for just a second. The office is in the building right next to the house itself, correct.
A. Correct.
Q. And the office itself has a room that you walk into. It might be, in some other circumstances, like a reception area; is that correct.
A. That's correct.
Q. And then you go through a door, and the next door -- or the next room is what appears to be Mr. Jackson's private or personal office, with a desk and so on; is that correct.
A. Correct.
Q. And in those offices, there are mannequins of various sorts; is that right.
A. That's right.
Q. Some of them somewhat humorous.
A. Correct. 2444

Q. Depending on your point of view, I suppose.
All right. And there are also displays of various movie memorabilia and things from Disney, that sort of thing; is that correct.
A. Yes.
Q. As you go through the door into this first area that I called the reception area, for lack of a better term, if you go to the left there's a hallway; is that correct.
A. Yes.
Q. And if you go all the way down to the end, there's a bathroom, right.
A. Correct.
Q. But if you take a left from that hallway, there's an L-shaped room. It might be like a walk-in-closet-size sort of thing, correct.
A. Correct.
Q. And that's actually lined with bookcases, and there's hundreds, probably thousands of books in there; is that correct.
A. Correct.
Q. And then in Mr. Jackson's office itself, besides chairs and mannequins and memorabilia, there were stacks of books in different places, correct.
A. Correct.
Q. Now, do you recall seeing items in that office; for instance, a letter from President Bush.
A. No. 2445

Q. Okay. Do you recall seeing letters or items from various other celebrities or personalities or --
A. No.
Q. -- people of stature.
A. I was assigned as a scribe in that area, so I didn't do any of the searching.
Q. So -- okay. So you didn't look through the materials that were there.
A. No.
Q. All right. But did you go in that room, that L-shaped room, and look at some of the books in there.
A. I saw the L-shaped room. I noticed there was a lot of books and there was a lot of stuff in there.
Q. All right. Did you notice that, as you just -- I understand you didn't search it per se, but did you notice that there was some books where there were multiple copies of the same book.
A. No.
Q. Okay. Back in the house, where you were going through the residence, did you focus your entire efforts in the master bathroom.
A. Yes.
Q. Okay. So you didn't go upstairs.
A. No.
Q. Did you even walk upstairs to see what was -- 2446

A. I did walk up, but I didn't search.
Q. So when you walked up and you saw upstairs, there was stacks of books and items stacked and lined up and in bookcases around that room; is that correct.
A. Stacks of -- I don't know if they were books. There was stacks of stuff everywhere.
Q. A lot of movie memorabilia.
A. Yes.
Q. A lot of art type of books, photography type of books.
A. Yes.
Q. And downstairs, going back downstairs, did you go into the hallway and the bathroom areas on the right side of the -- of the room, if you were to face the big screen television.
A. Yes, I walked through there.
Q. You walked through. You were not detailed to search that area, though; is that correct.
A. No.
Q. And did you notice that there was movie memorabilia there.
A. Yes.
Q. Things from Disney, again Shirley Temple, other regular commercial movies and that sort of thing.
A. Yes.
Q. Okay. And then in the main -- on the main 2447

floor, in the big room on the main floor with the big screen T.V., there were stacks of books on the floor right next to the television; is that correct.
A. Yes.
Q. And again, there were books in a bookcase to the right, just before you went into the hallway before going up the stairs, correct.
A. Yes.
Q. And do you remember a piano there in the big room.
A. Yes.
Q. The grand piano, the black one.
A. Yes, I remember that.
Q. And there were -- there were some books and things that were sitting on that piano.
A. There might have been.
Q. Okay. And do you remember, behind the piano, there was an alcove there where there was bookcases with books.
A. Yes.
Q. Now, did you discern that in different areas, there were different themes, or did all the books seem to be pretty much mixed up.
A. I didn't search through those books. I spent my time searching in the bathroom.
Q. But you did notice, when you were going through, a tremendous number of books in that whole area on the first floor were photography and art or 2448

entertainment kind of books; is that correct.
A. I can guess, assume so, yes. I didn't go through all of them.
Q. You didn't go through all of them, but what you saw --
MR. SNEDDON: Excuse me, move to strike. Speculation. Use of the word "assume so." Lack of foundation.
THE COURT: Sustained.
MR. SANGER: Okay.
THE COURT: Stricken.
Q. BY MR. SANGER: I don't want you to just assume. I realize you didn't go through every one, but as you picture it in your mind and as you looked at it at the time, did you notice there were a lot of books about movies and art and photography in this area.
A. Yes.
Q. All right. And in the master bathroom area that you've described, there were a number of books about art and photography and entertainment.
A. Yes.
Q. And as we -- as I asked before, in addition, mixed in with that in this particular area, there were, from time to time, some other books on other issues, like history or current events, that sort of thing.
A. There may have been. I don't remember 2449

seeing any.
Q. All right. Did you go into the closet.
There was a closet off that master bathroom, like a
walk-in closet there.
A. Yes.
Q. And there were some books in there, were
there not.
A. Yes, a lot of books.
Q. Do you remember the subject matter of those
books.
A. No.
Q. Were you assigned to search that area as
well.
A. Yes.
Q. So in that master bathroom, with the books
that we saw stacked up here and there, and the
closet, those were two areas that you were
searching. Were there any other areas that you
searched.
A. No, that's it.
Q. Okay. So, just in that -- in those areas,
how many books do you think there were.
A. Hundreds. I --
Q. And of the hundreds, you seized the ones
that you felt were appropriate; is that correct.
A. Yes.
MR. SANGER: Okay. Thank you. I have no
further questions. 2450

MR. SNEDDON: No questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
All right. We'll recess until tomorrow morning, 8:30. See you then. Remember the admonitions.
MR. ZONEN: Your Honor, could the Court wait one moment as to one small detail.
MR. SANGER: Remember, he asked.
MR. ZONEN: Two small details.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. Go ahead.
MR. ZONEN: Your Honor, we've -- apparently the Court's in possession of the product of the subpoena duces tecum issued by the People for legal records relating to the 1993 matter in Mr. Feldman's office. I've asked counsel to think about whether they would agree to it being turned over to us for copying, and they're still debating the issue. If, in the event their position is "No," we'd like the Court to set a time when we can argue it.
MR. OXMAN: Excuse me, Your Honor. On the subpoena, I think we would like to have time to determine what we want to do with it. 2451

THE COURT: Yes, I'll give you time.
MR. OXMAN: Okay.
THE COURT: How much time do you want.
MR. ZONEN: The Court should know, they've known about it for a couple of days already.
MR. OXMAN: Would till Monday be acceptable.
THE COURT: Sure.
MR. ZONEN: Monday would be fine.
THE COURT: You have one other --
MR. SNEDDON: Short, I promise.
I promised the Court and counsel and the clerk that I would find the rest of the exhibit that goes to -- there's a photograph we used, which is, I believe, 346, Madam Clerk. And these are the originals. And we were going to substitute. But if you would rather me just have them marked as a separate number, we could do that as well, Your Honor. I just wanted to make sure we have the originals in evidence.
THE CLERK: That was 246.
MR. SNEDDON: 346, I'm sorry.
THE CLERK: I'm sorry.
THE COURT: All right. Mr. Mesereau, is it all right if he substitutes the original of those notes for the copy and we leave the same number on them.
MR. MESEREAU: Yes, Your Honor.
MR. SNEDDON: Thank you, Your Honor. 2452

Thank you, Mr. Mesereau.
MR. MESEREAU: Your Honor, we had stipulated to make a copy of the cover of the Neverland Valley Guest Book --
THE COURT: Yes.
MR. MESEREAU: -- which is Exhibit 5031, and we have made copies. With the Court's permission, we'll have them entered in evidence.
THE COURT: All right. Do you want the book itself to remain in evidence, or do you want to substitute the photos of the front for the --
MR. MESEREAU: We had agreed to use the front cover.
THE COURT: Okay.
MR. MESEREAU: The prosecutor had objected to other pages of numerous writings, so at this point we may use the original further in our case.
THE COURT: Do you want to just leave it in right now and mark those at a different time.
MR. MESEREAU: Sure, if we could, Your Honor. Thank you very much.
MR. SNEDDON: That's acceptable, Your Honor.
THE COURT: What number would that be.
THE CLERK: Would you want that an A and a B.
THE COURT: We'll put it under A under the --
MR. MESEREAU: Whatever the Court would like.
THE COURT: Under the number that the actual 2453

guest book is, we'll put those as an A. Is there
two separate exhibits.
MR. MESEREAU: No, there's just one, Your
Honor. That will be A, whatever number that is.
MR. SANGER: Let me just address that. The
book was withdrawn so we could make the cover, so we
have to bring the book back.
MS. YU: Tomorrow.
THE COURT: That will be fine.
MR. SANGER: We'll bring the book back.
THE COURT: You have enough witnesses through
Friday. There's no problem.
MR. SNEDDON: You warned me. I'm not going
to get chewed out. We'll make one up if we have to.
(The proceedings adjourned at 2:35 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2307 through 2454 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 16, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 16, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304